

Anecdotalage  
or  
Stray Leaves from the Note Books  
of a Provincial Reporter

by E Austin  
1872

**Bristol Correspondent of *The Times*,  
Sometime Official Shorthand Writer to  
Her Majesty's Court  
of Bankruptcy for the Bristol District.**

{A corrected text, with some notes, by E C G}

## Foreword

Ebenezer Austin died on 25<sup>th</sup> July 1884 aged 65. A long obituary appeared the following day in *The Bristol Mercury and Daily Post*. He had been ill for some time, though his passing was sudden. He was a popular man, in both business and private life, and had been given a banquet some three years before his death to mark fifty years in journalism. The address presented to him on that occasion was an appreciation of his 'ability, energy and integrity.'

Ebenezer Austin was born in October 1818 in Bath. His father was on the editorial staff of the *Bath Chronicle* and subsequently the *Bath and Cheltenham Gazette*. Ebenezer was orphaned in 1830, and the following year was apprenticed to George Wood<sup>1</sup> owner of the *Bath and Cheltenham Gazette* and he made his first contribution to that paper on 14 June 1836. In 1848 he was made Official Shorthand Writer to Her Majesty's Court of Bankruptcy for the Bristol District. In 1855 he became Bristol Correspondent of *The Times*. After editing the *Clifton Chronicle* for some years he acquired the paper in 1864. He took an interest in amateur dramatics and both wrote and performed.

Ebenezer had three siblings. Thomas Ralph Austin<sup>2</sup> a cleric; James Battle,<sup>3</sup> and a sister, Sarah S<sup>4</sup> who married Hugh Massey, a doctor.

Ebenezer married Martha Norroway Gregory in the last quarter of 1848, she predeceased him dying<sup>5</sup> some seven month before him. His son, Alfred,<sup>6</sup> joined him in

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1 Born 1786 Died Nov 1867. Deaths Dec 1867 Wood George Age 81 Newington 1d p174 Apparently no detailed obituary was written.

2 Born London 16 Jun 1813 Died Vincennes, Indiana 6 Feb 1884 Ordained [USA] 1861 Prominent Freemason

3 Born London 16 May 1816. While it is almost certain that James Battle was a sibling and child of Thomas and Sarah Austin some records disagree. There is also some doubt about his age at death [died 30 Jul], which is recorded as Deaths Sep 1885 Austin James Battle Age 63 Keynsham 5c p388, and this age is reported in three newspaper death notices. He should have been 69. Awarded patents *London Gazette* 8 Sep 1865: 2150. *To James Battle Austin, of the firm of Alexander[Alfred] Austin and Poole [Henry], of Victoria Wharf, Earl-street, Blackfriars, for the invention of "improvements in apparatus for stopping bottles."* And *London Gazette* 3 Sep 1869: lacemaking.

4 Born London 13 Dec 1809 Her middle name is given as 'Shooman', or 'Shoebeck' on various documents. Sadly nothing further is known about her.

5 Deaths Dec 1883 AUSTIN Martha Norroway Age 64 Barton R. 6a p49

6 Births Dec 1849 AUSTIN Alfred Gregory Clifton 11 p264.

reporting for *The Times*. And he had three daughters: Mary,<sup>7</sup> Ellen<sup>8</sup> and Ann.<sup>9</sup>

This corrected text also contains some notes about the people and events of Ebenezer's time, and it is hoped it will prove a useful 'road map' to future researchers. The numbers in square brackets. [], are the page numbers as they appeared in the book.

Eric C Graham  
[stockbridgehistory@hotmail.com](mailto:stockbridgehistory@hotmail.com)

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7 Births Jun 1855 Austin Mary Louisa Clifton 6a p69

8 Apparently no birth record.

9 Births Jun 1861 AUSTIN Ann Florence Clifton 6a p74

## ANECDOTAGE by Ebenezer Austin<sup>10</sup>

THE Municipal Reform Act transformed the Corporation of Bath from a self-elected body of some thirty individuals into a constituency of about three thousand, divided into seven wards, returning six members each, and presided over by fourteen aldermen.

Such an "extension of the suffrage" of course made a considerable alteration in the constitution of the civic body. From being ultra Tory it became ultra Radical; and the changes which were wrought were neither few nor immaterial. The gentleman who was chosen as the first Mayor under the new regime was an "advanced" politician, and became a candidate for the representation of a neighbouring [2] borough on extreme Liberal principles. Time, however, has somewhat modified his opinions; and, had he been returned to Parliament at the last general election, he would probably have been classed by Dod<sup>11</sup> in the column appropriated to "Liberal Conservatives."

The majority of the members of the new Council necessarily held the same political views as their chosen chief. "Economy and Retrenchment" were the watchwords of the dominant party; and, under various resolutions having for their object the promotion of these ends, salaries were reduced, offices abolished, and the duties hitherto performed by two or three individuals were devolved on one person. Among other reforms, the civic robes heretofore worn by the Mayor, Aldermen, and Councillors on public occasions were discontinued; and a motion by a Quaker member of the board for following the example of Leicester, and disposing of the maces, was only rejected by a narrow majority.

A few years, however, worked a reaction. The Conservative party again rallied, and secured for some little space a preponderance at the Council-board; but at the time of which I write the Liberals still held sway. The Mayor, who was a very emphatic and verbose gentleman, who had seen [3] some service in the navy, had all his loyalty called into operation by the announcement that his Royal Highness the late Prince Consort was about to pass through Bath on an approaching day, to take part in the

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<sup>10</sup> Born 1818, Bath. Married: Marriages Dec 1848 AUSTIN to Gregory Martha Norroway Clifton 11 p351. Died 24 Jul 1884: Deaths Sep 1884 AUSTIN Ebenezer Age 65 Barton R 6a p38. See: The Bristol Mercury and Daily Post Sat 26 Jul 1884. Funeral 30 Jul see The Bristol Mercury and Daily Post Thu 31 July 1884 Also see: The Freemason's Chronicle - Volume 20 - Page 69. Wife died: Deaths Dec 1883 AUSTIN Martha Norroway Age 64 Barton R. 6a p49. Two traceable children: Births Dec 1849 AUSTIN Alfred Gregory Clifton 11 p264 - Deaths Mar 1913 Austin Alfred G Age 63 Bristol 6a p7. Births Jun 1861 AUSTIN Ann Florence Clifton 6 p74 - Marriages Jun 1898 AUSTIN Ann Florence Barton R. 6a p237. E A address 1881 8, Rodney Place, Clifton, Gloucs.

<sup>11</sup> *Dod's Parliamentary Companion* leading political reference book. First published 1832.

ceremony of christening the famous steamer, the Great Britain,<sup>12</sup> which was about to be performed in the neighbouring city of Bristol.

A special meeting of the Council was immediately convened to consider the possibility of presenting his Royal Highness with an address. It was agreed that the effort should be made; the indefatigable chief magistrate put himself in communication with the authorities at head quarters; and, in the course of a day or two, his Worship had the gratification of receiving an intimation from Colonel Anson, the equerry<sup>13</sup> of the Prince Consort, to the effect that his Royal Highness would have much pleasure in delaying the special train by which he was to journey at the Bath station, for a few minutes, for the purpose of receiving the address of the Town Council.

Hereupon the Council were again assembled, and a committee was appointed to draw up the proposed address.

This important business being accomplished, the mode and manner of its presentation were considered; and at last it was arranged that [4] the Corporation, headed by the Mayor, and preceded by the mace-bearers (who retained their cocked hats and furred robes), should march in procession from the Guildhall to the railway station.

At length the eventful day arrived. The Council mustered in strong force, the absentees being only a few of the more philosophic Radicals, who looked with little favour upon such a demonstration. The procession, on starting, had a somewhat motley appearance. The Mayor was himself a gentleman who paid very little attention to the prevailing modes of costume, and his fellow Councillors exhibited themselves in coats, vests, and continuations of all conceivable hues and fashions. Arrived at the platform the civic body were drawn up in front of a kind of dais, and shortly afterwards the train which conveyed his Royal Highness and suite dashed into the station. Prince Albert quitted the carriage, accompanied by Colonel Anson and the other gentlemen by whom he was attended, and proceeded to the dais to receive the address, amidst the acclamations of the assembled thousands of citizens.

And here arose a dilemma which may fairly be chargeable on the parsimony of the newly-reformed Town Council. His Royal Highness was personally unacquainted with the Mayor of Bath and with all [5] its civic representatives. And as our judges, and others exercising rule and authority over us, are generally distinguished by some official costume, his Royal Highness not unnaturally concluded that the mace-bearers who wore their robes and hats must be the magnates of the city, and accordingly he commenced bowing his acknowledgments to those officers. The mace-bearers found

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12 19 July 1843. See a long article in *The Bristol Mercury* Sat 22 July 1843

13 Later Lt.-Gen. Sir George Anson b. 1769, d. 4 Nov 1849 Deaths Dec 1849 Anson George Chelsea, 3 p45 Obit: *The Morning Post* Tue 6 Nov 1849 In fact he was *Groom of the Bedchamber* to The Prince Consort. He was *Equerry* to HRH The Duchess of Kent.

themselves in the position of men who have had greatness thrust upon them, and looked rather confused by the polite recognitions bestowed upon them by the Prince. In this predicament his Worship stepped boldly forward, and presented the address, a copy of which had been previously transmitted to his Royal Highness. It was graciously received, although apparently with some little surprise at its being handed in by a gentleman who would have been described at a fancy ball as being in the "costume of the early part of the nineteenth century."

His Royal Highness was reported at the time to have made the following reply:

"I thank you for this kind and affectionate address. I regret that my limited time will not allow of my making a longer stay in Bath; but I hope that, at no distant period, I shall again visit you, accompanied by her Majesty the Queen." [6]

The reply having been delivered, his Royal Highness bowed to the gentleman whom by this time he understood to be the Mayor, and to the others by whom he was surrounded, whom the Prince now interpreted as being the Aldermen and Councillors of the city of Bath, and, resuming his seat in the railway carriage, started on his journey to christen the finest iron steamer the world had then seen.

After the train had departed, and the acclamations of the multitude had died away, there were the most anxious inquiries to know what the Prince had said in answer to the civic address. The reporters, who had been accommodated with places railed off at each end of the part of the platform appropriated to the royal reception, were naturally appealed to. They confessed that their note of the royal speech was very imperfect, as, from the tone of voice in which it was delivered, only a word or two had been caught here and there; and it was admitted to be impossible for either of them to furnish a complete transcript of a speech.

"Whereof by parcels they had something heard,  
But not intently."

One had exclusively secured "kind and affectionate;" another, "limited time;" a third, "longer stay;" and a fourth, "no distant period;" while in some [7] few unimportant words they all agreed. A conference was therefore held, and on a comparison of notes the above results were ascertained, and with the assistance of some of the gentlemen of the Council, who repeated to us the fragments of the speech which they had gathered, it was put into the shape in which I have already given it, and carried in triumph to the Council Chamber.

There a public breakfast took place, at which his Worship insisted upon inviting the guests to partake of some champagne, and in the course of the consequent speech-

making, the Mayor also treated the company to the speech which had been made for, if not by, his Royal Highness Prince Albert. It was received with unbounded satisfaction and applause, and set all the good people of Bath wondering and wishing for that "no distant period" when his Royal Highness should again visit them "accompanied by her Majesty the Queen."

I may add that, during the lifetime of the Prince Consort, no royal visit was made. But if such an event should ever take place, I venture to predict that, as the Corporation have since then resumed their robes of office, there will be no danger of the mace-bearer being mistaken for the Mayor of the city of Bath.

## A SPECIAL COMMISSION

SPECIAL Commission for the trial of Frost,<sup>14</sup> Williams,<sup>15</sup> Jones,<sup>16</sup> and the other Welsh Chartists, in all numbering thirty-eight,<sup>17</sup> of whom fourteen were charged with high, treason, was opened at Monmouth, on Tuesday, the 10th of December, 1839, before Chief Justice Tindal,<sup>18</sup> Mr. Baron Parke,<sup>19</sup> and Mr. Justice Williams,<sup>20</sup> all of whom have since died.

The amount of interest created by the Welsh rebellion, and the somewhat remote period at which a trial for high treason had taken place in the provinces, suggested to the editor of the paper upon which I was then engaged that a report of the charge to the grand jury on this occasion would be anxiously looked for by the public. In those times electric telegraphs were unknown, and the net of railways by which the country is now intersected in every direction was but imperfectly developed. Reading was then the nearest railway station to Monmouth.

[9]

The Bath and Cheltenham Gazette was, at this period, published on the evening of Tuesday, and my employers had calculated that, by a little exertion, it would be possible, in a second edition, to outstrip the daily newspapers by some hours in presenting their readers, and the public of the West of England, with the exposition of the law which was to be delivered by the Chief Justice on this memorable occasion. Accordingly I was despatched to Monmouth, with instructions to take a full note of the charge; to leave as soon as possible afterwards; to post to Gloucester, and there catch the mail which should arrive in Bath shortly before midnight.

I arrived in Monmouth on the afternoon of Monday; took up my quarters at an hotel, where I found several of the representatives of the London daily papers; and in the evening formed one of a deputation who waited on the Mayor in reference to the accommodation provided in court for the press, and to the means of our gaining early and easy admission. These preliminaries were satisfactorily and courteously arranged by his Worship, of whom we took leave to stroll through the town and observe its

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14 John Frost aged 54

15 William Williams aged 29

16 S William Jones aged 30

17 Among others charged were, with ages: Charles Waters 26, John Partridge 44, James Aust 25, Thomas Davies 33, Amy Meredith 45, Solomon Britton 23, George George 37, Thomas Davies 28, George Turner aka George Cole 37, William Shellard 36, Edward Edmunds 34, Samuel Ethridge 61, John Lewis Llewellyn 49, Jenkin Morgan 40, Evan Edwards 24, Benjamin Richards 41, Thomas Llewellyn 44, Thomas Morgan 26, Zephaniah Williams 44, Moses Horner 21, Thomas Edwards 28, Lewis Rowland 37, John Owen 28, John Lovell 41, John Batten jun 18, Isaac Phillips 18.

18 Sir Nicholas Conyngham Tindal b. 12 Dec 1776 – d. 6 Jul 1846 [Deaths Sep 1846 Tindal Nicholas Conqugham Elham 5 p121] Chief Justice of Common Pleas 1829 to 1846.

19 James Parke, 1st Baron Wensleydale b. 22 Mar 1782 d. 25 Feb 1868. Deaths Mar 1868 PARKE James Age 85 Amphill 3b 231. Obit: *The Times* Fri 28 Feb 1868.

20 Sir Edward Vaughan Williams b. 1797 d. 2 Nov 1875 Deaths Dec 1875 WILLIAMS Edward Vaughan Age 78 St. Geo. H. Sq. 1 p309



state.

There was a good deal of bustle visible. Bar- [10] risters and lawyers' clerks were hurrying to and fro, and a great number of people, in all ranks and conditions of life, were pouring into Monmouth. Beyond this, however, there was nothing in the general aspect of the place which would have indicated to a casual and uninformed spectator that a commission was to be opened on the morrow for the trial of prisoners, many of whom were charged with the gravest offence known to the law. We returned, therefore, to the Beaufort Arms; the London reporters engaged themselves in seeing that the arrangements for the "express" on the following day were thoroughly understood; and I took the opportunity of securing my gig for Gloucester, and agreeing as to the pace and price at which the journey should be performed.

Although the electric telegraph and special engines have now rendered horse expresses almost obsolete, the plan on which they were arranged may be novel and interesting to my readers. The road over which the express was to run was previously travelled by a reporter, who made arrangements, with innkeepers or postmasters, at distances as nearly sixteen miles apart as possible, to have a horse and boy in waiting at a certain time, who were to perform a stage of sixteen miles within the [11] hour, and in consideration to be paid double the ordinary rates of posting and remuneration. All the turnpike men on the route were also prepaid, and a gratuity awarded in case of their being required to stay up at night. By these means the public were astonished in those days at the rapidity with which information was conveyed; and on the occasion of this special commission, although the London mail left Monmouth half an hour before the court was opened, wagers were made and won that a report of the proceedings should reach the metropolis, and be printed and published two hours before the arrival of the mail.

On the morning of Tuesday, the Chief Justice and the other judges, accompanied by the High Sheriff, attended Divine service in St. Mary's Church. The sermon was preached by the Rev. J. Irvine,<sup>21</sup> vicar of Llantrissant, and was a discourse far above the average productions of sheriff's chaplains, the text selected being 2 Peter ii. 19: "While they promise them liberty, they themselves are the servants of corruption." At two o'clock the Court was opened with the usual formalities. There was a very full attendance of magistrates and county gentlemen, but it was observed as somewhat remarkable that the [12] gallery generally thronged by the humbler classes was on this occasion comparatively deserted. The Grand Jury, of whom the late Lord Granville Somerset<sup>22</sup> was the foreman, being sworn, and the proclamation against vice and immorality having been gabbled over with the customary rapidity by the Clerk of the Assize, Chief Justice Tindal proceeded to deliver his charge. On ordinary occasions the charge to a Grand Jury is a common-place affair enough. Generally

21 This is the Rev John IRVING [of Bonshaw, Dumfries, Scotland] who died in Ireland on 3 Oct 1870 aged 73. Press reports in 1839 universally say 'Irvine'. See *The Gentleman's Magazine* 1846 p638.

22 b. 27 Dec 1792, d. 23 Feb 1848 [Deaths Mar 1848 Somerset Granville Charles Henry Marylebone 1 p159]

speaking the Judge congratulates the county on the diminution of crime, or laments its increase, as the totals of the calendar vary. He utters some trite truisms as to the state of education and the intimate connexion which exists between vice and ignorance, offers a few remarks on some of the most prominent cases, and dismisses the Grand Jury to their duties, assured that gentlemen of their intelligence and station require no further assistance, but intimating that if they should encounter any difficulty the Court will be most happy to render its aid. On this occasion, however, the charge was of a different character. It was a nobly-expressed exposition of the law of high treason. There was nothing in it that was redundant, nothing more that could be desired; [13] and at this distance of time I am persuaded that an extract will not be without interest, as a specimen of the literary style and legal acumen of the Chief Justice: "The crime of high treason," said Lord Chief Justice Tindal, "in its own direct consequences, is calculated to produce the most malignant effects upon the community at large. Its direct and immediate tendency is the putting down the authority of the law; the shacking and subverting the foundations of all government; the loosening and dissolving the bonds and cement by which society is held together; the general confusion of property; the involving a whole people in bloodshed and mutual destruction; and, accordingly, high treason has always been regarded by the law of the country as an offence of all others of the deepest dye, and calling for the severest measure of punishment. But, in the very same proportion as it is dangerous to the community and fearful to the offender, from the weight of punishment which is attached to it, has it been thought necessary, by the wisdom of our ancestors, to define and limit this law within certain boundaries, in order that, on the one hand, no guilty person might escape the punishment due to his transgression by [14] an affected ignorance of the law; and, on the other, that no innocent man might be entangled or brought unawares within the reach of its severity, by reason of the law's uncertainty."

Having defined the law of treason, his Lordship said, "I cannot conclude my observations without expressing the sincere regret and pity which I feel, not alone, I am sure, but in common with yourselves and with all other men of sound principles, on the occasion of the recent disastrous occurrences. I would also add my earnest hope that it may be found, in the result, that the great majority of those who may have been involved in the guilt of these transactions have been misled by the arts of wicked and designing men, and have thus sinned through ignorance and blindness, rather than from premeditated guilt. And I can suggest no remedy which can be applied successfully to counteract a state of mind and feeling so unhealthy and diseased, and infecting so large a portion of the community, except the diffusion of the benefits of religious education among the rising generation; so that, as the younger part of the community advance to manhood, they may feel the conviction of the wholesome truth that they are bound to yield obedience to the law of their country, not from the terror only which the law [16] inspires, but from a much higher and more binding motive, the fear of the Almighty, and from the thorough belief that the powers which be are ordained of God."

The address to the Grand Jury occupied rather more than half an hour in its delivery; and before half-past three I had quitted Monmouth for Gloucester. Within five minutes of leaving the town a snow storm commenced, which continued and increased in force on the road to Ross, where we changed horses, and thence followed us to Gloucester. Arrived at "the faithful city," and being somewhat restored to warmth, I addressed myself to the transcription of my notes during the interval which occurred between my reaching Gloucester and the time at which the mail was due. My task was completed, and the hour at which the mail ought to have made its appearance came round, but no mail appeared. The snow still fell in heavy drifts, and another hour elapsed, but no mail had come to hand. Two hours beyond the usual time had passed before the shrill horn of the guard was heard, and the mail stopped in front of the inn at which I was staying.<sup>23</sup> I then found that, owing to the inclemency of the weather, all the inside seats were occupied; and as it was not a matter of choice to [16]

stay in my comfortable quarters or to proceed, I had to avail myself of an outside berth, and reached Bath about four o'clock on Wednesday morning.

The compositors who had been retained to get out the "second edition," and who had prophesied all manner of accidents on account of my non-appearance, were at once supplied with "copy," and in a very short time the charge of Lord Chief Justice Tindal was got into type, read, and corrected, and the "second edition" of the Bath and Cheltenham Gazette<sup>24</sup> was sent to press.

The trouble and expense of its production (for charges at Monmouth were found to be regulated by the "special" nature of the occasion), coupled with the importance of the matter thus exclusively secured, had certainly led the editor and proprietor of the Gazette to anticipate a large, if not a remunerative, demand for the paper. This not unnatural expectation was, however, doomed to bitter disappointment. The sale of the second edition was a miserably small one; and the gross receipts bore a ludicrous proportion to the expenses which had been incurred. To add to his mortification, the Stamp Office authorities served the proprietor with notice that, as the second edition of his paper of the 10th December was not published on the day of which it bore date, the [17] advertisements it contained were liable to double duty, with which he was accordingly charged, and at that time there was a duty of 3s. 6d. on every advertisement. So that, by a desire to cater for the information of the public, no inconsiderable sum was expended to little purpose, in the shape of travelling expenses, &c.; and, the elements conspiring to prevent the arrival of the mail in due course, another day was entered on and another duty assessed on the advertisements.

After memorializing the Commissioners of Inland Revenue on the subject, I believe

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23 Probably either the Ram hotel or Bell Hotel; both were in Southgate St where the Mail coach arrived and departed. The carrier was Heath & Co.

24 First published 1812; proprietor George Wood. His son, George Harvey Wood, followed; he died aged 85 26 Jan 1885. Obit: *The Bristol Mercury* Fri 27 Jan 1899.

that many months subsequently the amount of surcharged advertisement duty was returned; but the Special Commission of 1839 materially altered the opinion of the then proprietor of the Gazette as to the policy of second editions, and prevented him afterwards from embarking in what might have proved more successful and more remunerative speculations of the kind.

## CHARTISTS v CLERGYMEN

AT the time when the Chartist fever was at its height, some well-intentioned, if not well-informed, clergymen and gentlemen in the most fashionable city in the West of England, sought to divert the activity which had been displayed by the working classes in politics into a religious channel. A meeting was announced to be held for the purpose of forming a "Protestant Operative Association";<sup>25</sup> the late Rev. Hugh Stowell,<sup>26</sup> of Manchester, and Mr. Lord,<sup>27</sup> a London barrister, were advertised as being expected to take part in the proceedings; admission was by ticket, and working men were especially invited to attend.<sup>28</sup>

For some day or two before the meeting, the committee who had superintended the preliminary arrangements were congratulating themselves on the great demand for tickets, and on the success which they anticipated would attend their plan for the "Protestant Operative Association." I confess to not having been equally sanguine as to the result; but, expecting something like a scene, I repaired to the place of meeting some half-hour before the time appointed for taking the chair.

The Bath Assembly Rooms are, perhaps, the most perfect in their arrangement of any in the kingdom; and it is said that they are unsurpassed in Europe. The meeting was to be held in the large dancing-saloon of this magnificent suite; and, on my arrival, I passed through the octagon, or reception-room, to take up the usual position assigned to reporters on the platform. A deservedly-popular preacher, who had taken great interest in the movement, informed me that the committee had determined on adopting the Exeter-hall plan, and that a table for the reporters would be found in front of the platform. I at once made my way into the large room, which was more than half full, and having gained the spot appropriated to the representatives of the press, was enabled to survey and estimate the audience. It was evident that mischief was brewing. Instead of the well-dressed ladies, who generally formed an overwhelming majority on such occasions, the front seats were occupied by the leaders of the Chartist party; and as the time for the commencement of the meeting drew near, and the usual occupants of the room came in, they surveyed the motley assembly [20] with a mixed expression of fear and trembling, and many of them at once made a precipitate retreat.

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25 Formed 1838

26 b. 3 Dec 1799 I o M – d. 1865 Deaths Dec 1865 Stowell Hugh Salford 8d p2

27 James Lord Ch 3 Feb 1814 Barfreston, Kent. Parents Rev Dr Henry and Sarah. Died 1 Mar 1906. Deaths Mar 1906 LORD James Age 92 Lambeth 1d p278

28 April 1841 – See *The Bristol Mercury* Sat 17 Apr 1841

The handbills and advertisements convening the meeting stated that the chair would be taken at seven o'clock precisely. As that hour approached those who had watches frequently consulted them, and announced the number of minutes it yet lacked of the appointed time. At last there was a cry of "It's all right - it's seven o'clock;" and at the signal it was moved, seconded, and carried by acclamation that a well-known Chartist should take the chair. The cheering which followed the proposal startled the committee of the projected meeting, who were arranging the course of proceedings in an adjoining room; and, by this time somewhat awakened as to the cause for the large demand for tickets, they made a rapid but irregular charge on the platform to prevent the threatened invasion of the chair. Resistance was, however, useless or too late. The Chartist champion had gained the post of honour, and gallantly maintained it; and with mock-heroic dignity he called the "honourable gentlemen on his right and left" to order. It was in vain the more earnest of the promoters of the meeting reminded the defiant chairman that they had hired the room, and were going to pay for it; that they had already [21] settled who should preside; and that it might be necessary to call in the aid of the police. To these remonstrances and threats the Chartists replied that the paying for the room was a matter with which they had no concern, they attended by invitation; that as to settling who should preside, that was not the way in which they conducted business at public meetings; and that if the police were called in, their chairman should give the first man into custody who interrupted him in the discharge of his duties.

At last a compromise was effected. It was agreed that the chairman should maintain his seat, and open the business; that one of his friends should speak for half an hour, and then that the Rev. Hugh Stowell should be heard for a similar period. The chairman then, in serio-comic vein, addressed the meeting, returning his heartfelt thanks for the distinguished honour that vast assembly had conferred upon him by appointing him to preside, and calling upon all present, especially his honourable and reverend friends on the right and left, to preserve order and to obey the chair. A young man, whose indiscreet zeal as a Chartist had already procured him some term of imprisonment, then took the field, and occupied his allotted time in the delivery of a terrible amount of frothy bombast. His own party seemed tired of the infliction, for, before the allotted, half-hour had expired, he was assailed by cries of "Time, time," "Cut it short," &c., &c.. Then came the Rev. Hugh Stowell's turn. The rev. gentleman's popularity as a pulpit and platform orator is too well known to require remark here. But he appeared somewhat unprepared for the opposition he had to encounter. Not that he was altogether unused to adverse ebullitions, or that his efforts had been confined to the platforms of those public meetings which, like pulpits, might be designated "cowards' castles." It was apparent, however, that the scene was both novel to and unexpected by him. Nevertheless, he addressed himself boldly to his task, and, in a few brief and tailing sentences, succeeded in gaining an attentive hearing. But when, shortly afterwards, he plunged at once into his subject, and was

illustrating his remarks by a reference to a degrading penance which had been inflicted on a Roman Catholic of Manchester, which statement he made on the authority of a policeman who had witnessed the man performing his punishment, the storm commenced. The Roman Catholics, who formed no small portion of the audience, shouted fierce denials of the statement; the Chartists, whose affection for [23] the police, never very strong, was then perhaps at its lowest ebb, jeered the idea of such an authority being cited in support of such a charge; and presently a perfect Babel arose. In vain Mr. Lord endeavoured, from the orchestra, to appease the angry mob; in vain the chairman called his friends to order; the business of the meeting, as far as speaking was concerned, was at an end. Frantic Catholics and fervid Chartists mounted the cushioned seats and stamped wildly on them, till the hitherto comparatively pure atmosphere of the room was impregnated with clouds of dust. All attempts at remonstrance or expostulation were met with ridicule and derision; and at last the chairman declared the meeting dissolved. Satisfied with the victory they had achieved, the Chartists quitted the room, leaving it to the possession of the astonished and bewildered gentlemen by whom the meeting had been convened.

It would be difficult to describe the difference between the appearance of the apartment before and after the riotous assembly. The brilliant crimson damask coverings of the settees, whereon the wealth and beauty of Bath were wont to rest during the pauses of the dance, were changed to the hue of mud; backs of chairs had been broken; and alto- [24] gether the place more resembled the scene of a drunken revel than of a meeting for the formation of a religious institution. The considerate attention which had been paid to the accommodation of the reporters failed in its design, as the table placed for us in front of the platform served only as the stepping-stone for aspiring individuals, who, from the body of the room, scaled the barrier to support their chairman. So it was a case of note-taking under difficulties with us. Standing up, jostled on all sides, and swayed to and fro with the tumultuous tide in front of the president's seat, we discharged our tasks as best we might, and were heartily glad, if not at the cause, at least at the close of the proceedings. It was nearly eleven o'clock before I reached my home, and, at about that hour, two gentlemen, who had been instrumental in convening the meeting, called to inquire if I had sustained any personal injury.

I thanked them for their kindness: told them I had come out unscathed; but added that a brother reporter had not been so fortunate, as he had escaped, but with the loss of a macintosh: "Well," said the elder of the two, "it's a mercy he has not lost his life. I never knew till this evening what poor human nature was. It was a great mistake," he [25] added, "that we did not advertise our own chairman."

I fully agreed with the last remark; and in the course of a few days attended a meeting for the same object, where this precaution was taken, and no person was allowed to address the meeting without the permission of the chairman. It is almost needless to

add that the scene was a very different one, or that the resolutions were all carried unanimously, and the "Protestant Operative Association" was duly formed.



## A CHARGE OF MURDER

THE good people of Bath, some years since were alarmed and excited by a report which spread with more than the ordinary rapidity with which gossip circulates in that city, that the wife of a lodging-house keeper<sup>29</sup> had been found dead under circumstances which raised the suspicion that she had been murdered.<sup>30</sup>

The discovery was made by the husband<sup>31</sup> on his return with his son<sup>32</sup> from a walk he had taken in the evening. An alarm was given; the neighbours and passers-by flocked into the house; and there, underneath the grate of the kitchen fire-place, lay the body of the unfortunate woman, weltering in blood. The police were soon in attendance, and suspicion almost immediately fell upon the husband, who was taken into custody. A coroner's jury was of course empanelled, and the inquiry was commenced on the following day.<sup>33</sup>

The coroner, who was somewhat new to his office, and whose amiable disposition prevented him from rejecting evidence having little or no bearing upon [37] the case, was surrounded by a jury highly respectable and intelligent, but strangely oblivious of their duties. Instead of confining their inquiry to the simple question — How and by what means the unfortunate woman came to her death, they persisted in hearing the evidence of witnesses, some of whom had not seen the deceased for years, and the gist of whose testimony was that they had been told that the husband was in the habit of ill-using his wife. So when the case came for trial at the assizes, the judge, in addressing the grand jury in reference to this charge, stated that he had read over the depositions which had been taken before the coroner, and a greater mass of rubbish he had never met with. It seemed to him that the jury had been inquiring into the previous history of the woman and her husband instead of the cause of her death. Another point may be here noted. Near the body of the woman a poker was discovered, on which it was sworn that there was a quantity of hair and congealed blood; the medical evidence was to the effect that the fractures on the deceased's skull could not have been caused by her falling down in a fit (to which, by the way, she was not subject), but that they could have been produced by a blunt instrument, such as the poker. This was considered as very [28] strong against the prisoner; and the poker accordingly, after passing through several hands, was delivered to the custody

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29 Mary Parsons Deaths Sep 1842 PARSONS Mary Bath 11 p11

30 5 August 1842

31 Henry Parsons snr

32 Henry Parsons jnr

33 Mon, Tue and Wed 8 -10 Aug 1842 at 33 Henrietta St – the scene of the death. For a detailed report see: *The Bristol Mercury* Sat 13 Aug 1842

of the then chief of police for production at the trial, with what result we shall presently see.

If I remember rightly, the proceedings before the coroner lasted for three days, and resulted in a verdict of "wilful murder" against the husband, who was hooted violently on being escorted to and from the gaol and the inquest-room. He was, however, very deaf, and regarded the whole proceedings with great indifference.

"The most barbarous of the barbarous courts of the Western circuit," as Mr. Justice Cresswell<sup>34</sup> designated the then assize halls of Taunton, was thronged at a very early hour on the morning of the trial<sup>35</sup> by parties eager to hear the case. The prosecution was conducted in an able and temperate manner by the late Mr. Serjeant Kinglake,<sup>36</sup> and the prisoner was very zealously defended by the late Mr. Stone.<sup>37</sup> One or two points may be noticed which rendered even so solemn a scene ludicrous for the time.

The poker before mentioned was of course alluded to in the opening address of the counsel for the crown as an important link in the chain of evidence; and, in due time, the chief of police was called into the witness-box to produce it.<sup>38</sup> That officer accordingly appeared, bearing with him a long box carefully corded and sealed. The cords were cut, the seals broken, and the box opened. Then came forth a large bundle of brown paper, long rolls of which were unwound, and ultimately a very short thin poker emerged from the cerements in which it had been so carefully enveloped. It was handed to the counsel as the poker he had spoken of. He looked at it with a somewhat anxious countenance, and then handed it across to the prisoner's advocate. By him it was also narrowly scrutinised, and forwarded with a triumphant air to the jury-box. It passed successively under the gaze of the "twelve good men and true," who apparently were very much astonished at the result of their inspection. There was neither any trace of blood or hair to be discerned upon it!

The case for the prosecution being concluded, the defence began. The prisoner's counsel stood with his back to the dock, and facing the judge and jury-box. He had apparently not been instructed that his client was deaf; for he commenced his address somewhat after this fashion: "May it please your lordship, gentlemen of the jury. It now becomes my duty to address you in this extraordinary — this painful case. And at the very outset let me beseech you to dismiss from your minds everything which you may have heard respecting it out of court. Remember that you are to give a true

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34 b. 20 Aug 1794 d. 29 Jul 1863 Deaths Sep 1863 CRESSWELL Cresswell Westminster 1a p233 Obit: *The Times* Fri 31 Jul 1863

35 Monday and Tuesday 20 -21 March 1843. The Monday was taken up with the hearing of evidence which took eleven hours. The Judge's summing up and verdict were on the Tuesday. For a detailed report see: *The Bristol Mercury*, Sa 25 Mar 1843

36 And Mr Phinn. Attorneys Messrs Taylor, Kinglake and Kemp. Kinglake Died 8 Jul 1870 Deaths Sep 1870 Kinglake John Alexander Age 67 St. Geo. H. Sq. 1a p215. Obit *The Bristol Mercury* Sat 16 Jul 1870

37 And Mr S Saunders. Attorney Mr J F Goodridge.

38 It is not clear from reports, but this may be Inspector Joseph Randall of the Bath police,

verdict 'according to the evidence,' and according to the evidence alone; and remember also that upon that verdict rests the fate of the unhappy man who now stands at the bar trembling for his life, which is in your hands." As the learned counsel delivered this eloquent exhortation he turned to the dock, and there was his client, not as he had described him, "standing at the bar trembling for his life," but comfortably seated, sucking an orange. The shrewd advocate at once perceived his error, and adroitly turned it to account. He told the jury that he was just informed that the prisoner was extremely deaf, and consequently had been unable to hear a word of the evidence adduced against him. This was therefore an additional reason for the caution he (the learned counsel) had ventured to address to the jury, &c.

At the conclusion of the speech for the defence, the case was summed up with minuteness and impartiality, and the prisoner was acquitted. Mr. Justice Cresswell had apparently anticipated a different result, for on the verdict being delivered he [31] said, in one of his peculiarly cutting tones, "Let the prisoner be discharged — and the jury."

I have spoken of the coroner's jury as being over-diligent. The jury by whom the man was tried, at Taunton, may be characterised as over-drowsy. During the case the foreman lay with his head resting on his arms on the front of the box; and on his lordship stopping to inquire whether he was unwell, he roused up apparently from a nap, and replied, "Noa, noa, there be nothing the matter wi I." The case for the prosecution and the defence lasted till an unusually late hour; and the Judge intimated that, in so serious a charge, he did not think it advisable to proceed with the summing up that night. Arrangements had been made for the accommodation of the jury, and they would be locked up in charge of bailiffs. I followed the jury through the narrow passage by which they left the court for their temporary lodgings. One of them, recognizing an acquaintance in the crowd outside, showed how deeply he was impressed with the solemn inquiry in which he had been engaged by asking, "I say, what's the price of wheat in Taunton market to-day?"

## MR. ROEBUCK'S FAREWELL TO BATH.

MR. John Arthur Roebuck<sup>39</sup> was introduced to the constituency of Bath by the late Mr. Joseph Hume in 1832,<sup>40</sup> and was returned in that year in conjunction with General Palmer, one of the old members. Mr. Roebuck continued to sit for Bath down to the general election of 1847, when his return was successfully opposed by the present Earl of Shaftesbury, then Lord Ashley,<sup>41</sup> who was elected with Mr. Roebuck's former colleague. Viscount Duncan,<sup>42</sup> who succeeded to the Earldom of Camperdown in 1859, and died in 1867. At the close of the poll the numbers were —

Lord Ashley	1287
Viscount Duncan	1268
Mr. Roebuck	1120

As soon as the result became known Mr. Roebuck, accompanied by a number of his supporters, marched from the committee room to the hustings which had been erected in the Orange Grove, facing the Bath [33] Abbey Church. A kind of shed had been considerably placed in front of the hustings for the accommodation of the reporters, and also as a protection from the missiles in which "the people" were wont sometimes to playfully indulge on the occasions of nominations and declarations of the poll.

When Mr. Roebuck and his friends had reached the hustings, the ex-member beckoned me to come forward from the shed and take up a position immediately under the spot from which he intended to address the multitude. At that time I was tolerably well known in Bath as the representative of the *Bath and Cheltenham Gazette*, a paper that had given the warmest support to the candidature of Lord Ashley. Those in front of the hustings, I imagine were under the impression that my political views must necessarily be the same as those advocated in the journal for which I reported. Hence, on emerging from the shed to a more conspicuous place, I was assailed with a variety of epithets the reverse of complimentary, and ran the risk of receiving some special marks of popular disfavour. Mr. Roebuck, however, interceded with his friends, and proceeded in a voice tremulous with emotion, to address them.

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39 Died 30 Nov 1879 [Deaths Dec 1879 Roebuck John Arthur Age 77 St. Geo. H. Sq. 1a p333] Obit: *Daily News* Mon 1 Dec 1879

40 13 Sep at the Assembly Rooms.

41 Anthony Ashley Cooper, 7th Earl of Shaftesbury KG b. 28 Apr 1801 – 1 Oct 1885 Deaths Dec 1885 COOPER Anthony Ashley (Earl Of Shaftesbury) Age 84 Elham 2a 577 [as Lord Ashley 1811-1851] Obit: *The Bristol Mercury* Fri 2 1885

42 Robert Dundas Haldane-Duncan, 2nd Viscount Duncan b. 1785 – d. 22 Dec 1859 Obit: *The Morning Chronicle* Fri 23 Dec 1859.

The speech was so characteristic that it is worth reproduction<sup>43</sup> [34] on that account alone; but I have another reason for its insertion in these "stray leaves" which will appear presently.

"I am not to be the member for Bath," said Mr. Roebuck. "I want to say to you two or three things that I wish you to remember as the last words of a friend about to leave you, without consideration of personal regard, favour, or affection, but as the legacy of one who after fifteen years of faithful service has met with this strange reward. I wish to say some-thing to you which you may remember, and something which you may apply. Now listen to the words which I utter. Why have I been defeated?" Here there were shouts of "Bribery, bribery." Mr. Roebuck, however, declined to accept this reply to his question, and proceeded to answer it himself. "Why, not by bribery," he continued, "but by bigotry. Things have occurred within the last few years affecting the religious prejudices of certain particular communities. Of these certain persons have sent me letters of approval and satisfaction, and grateful thanks, and amongst them was the head and pastor of the Unitarians of this town, Mr. Murch. Not long since that gentleman sent me letters of approval and thanks for all that I had done in remarkable case — the Dissenters' Chapel Bill."

[35]

Great excitement here prevailed among the crowd; but it was at length stilled by Mr. Roebuck, who exclaimed, "Silence, my friends. Now listen to me, I beseech you. You are all my friends here. I entreat you to be silent, for my voice is not a speaking-trumpet; and, as a personal favour, I ask you not to interrupt me. Mr. Murch months ago sent me a letter of thanks, — I have that letter by me now, — for that I had braved and courageously braved the feelings of the great body of the Dissenters on behalf of that small body comprising the Unitarians. Now, when I came the other day to Bath in what is called the Liberal Association I there found Mr. Murch, with pencil in hand, noting down and talking of offences which I had committed against him, Mr. Murch. Now what were these offences? That I had not kept my temper! My temper! My temper is not moved by the backwardness of the Dissenters, and I appeal to all who hear me now, most particularly, whether there is anything in my personal conduct which can give offence to any human being."

The crowd answered the appeal by shouts of "No! no!" and Mr. Roebuck resumed: — "Well, then, Mr. Murch, the Unitarian preacher, chose to take offence at my personal conduct, and he and Mr. [36] Willson Brown and Mr. Norman<sup>44</sup> are the p who have contributed to my defeat — a Whig, a Dissenter, and a waiter upon Providence — Mr. Norman the Whig, Mr. Murch the Dissenter, and Mr. Willson Brown the waiter upon Providence. Now understand what I am about to say. My voice is failing me: and when I see so many thousand friends around me, and feel that I am unable to make myself heard, I have that within my heart and spirit which I wish I could

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43 For a fuller version of the speech see: *The Morning Post* Wed 4 Aug 1847

44 Austin's f/n: Mr. Murch has for some years abandoned the ministry, and is now an active magistrate for Somersetshire; Mr. Willson Brown and Mr. Norman were surgeons of eminence in Bath, but are now dead.

communicate to you. Understand me when I tell you the Liberals have been defeated by the Town Hall. I was returned many years ago because I was the tried enemy of the Tories. But you will no longer have a free representative, for my honourable and noble friend, Lord Duncan is too honest to represent you long.<sup>45</sup> I and he have upheld the Liberal party here — and I speak it not in vanity — have been its principal support, and now I am removed, he who has been its second pillar will soon be crushed. I now, gentlemen, bid you adieu. Again I shall not appear here."

[37]

"Don't say that, Mr. Roebuck" shouted many voices, but they were ineffectual.

"Many constituencies" pursued the defeated candidate, "will ask and demand and require such a representative as I have been to you. And they who after fifteen years of service have rejected me in their hearts, let theirs be the shame and the scandal which will be rendered by others calling me again to appear in the House of Commons. But, gentlemen, I have no ambition to appear there. I want — and I hope the reporters will take this — to be released from attendance in the House of Commons. My only hope is quiet — my desire is literally for ease — my pleasure is in my family — my hope is in contentment and quiet. If I could fight your battles — if I could fight the battle of freedom for you, and all should be secure in your homes and in your families, then I should indeed feel proud in being your representative. But that I am not permitted to be. I go from you a member of the Church of England, and mind, Dissenters, what I say, — as a member of the Church of England I believe you are not worthy of freedom."

"Are there no exceptions, Sir?" imploringly inquired Mr. George Cox, a leading Dissenter, and a prominent supporter of Mr. Roebuck.

"Oh, yes," replied the hon. and learned gentleman.

[38]

"My friend, Mr. Cox, asks me are there no exceptions. There are great exceptions to he made, and among the most cherished of my friends he will rank the foremost. But I cannot forget that I have received much at the hands of the Dissenters of Bath. I cannot forget that I have been told by them that I ought to be the member for Bath, I cannot forget that I was told by one of the chief of them that I was worthy of a nation's love, and yet for mere personal ease and selfish gratification that man left the town just two days before he ought. I speak of that venerable gentleman, the Reverend William Jay."<sup>46</sup>

The mention of Mr. Jay's name was the signal for a burst of groans, which at length subsided, and Mr. Roebuck went on — "Have I not watched by day and by night for

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<sup>45</sup> Austin's f/n: Lord Duncan retired from the representation of Bath in 1869, but afterwards sat for Forfarshire from 1854 till 1859, when he succeeded to the peerage on the death of his father, the first Earl of Camperdown.

<sup>46</sup> b. 6 May 1769 d. 27 Dec 1853. Obit: *The Bristol Mercury* Sat 31 Dec, 1853.

your interests, Dissenters of Bath, no matter what has been the hour? And yet so little regard has Mr. Jay for my success — so small a consideration has he for my return — that with an express or special train he finds he must go out of town on Tuesday. Now as I have no wish, so I have no will, no matter what may tempt me, to come down here again and stand before the Abbey as a candidate for your suffrages. I care not what men may say of me, I stand here as a free man once again.

[39]

No religious bigotry binds my tongue — no influence coerces my heart. To the people of England — to those who think — I make my appeal. But for those whose religious intolerance, bound up with selfishness, — for those who have contributed to my present defeat, — I will mark them with the finger of scorn. And I tell you once for all that the liberties of your, town are trodden under foot, and as sure as the sun will rise to-morrow, you will see a Tory majority in the Hall, and two Tory members to represent you. Think, Dissenters of Bath, and mind what I say."

"Give it them! " shouted an enthusiastic partisan.

"Oh, I will give it to them," continued Mr. Roebuck, "I care not for them. I tell you now that the Dissenters have worked against me to-day, and they are working against Lord John Russell in London. But I have not been like Lord John Russell. I have never failed you in a single point. I have supported you on every occasion; and now, under the pretence of religious considerations, I have been deserted. It is now for me — and and you will understand what are the sensations of my heart — to say that word which is at all times painful — Farewell."

Loud cries of "No, no," were uttered by the crowd, and some of the women were affected to tears.

[40]

Mr. Roebuck — "No, no! I say, Yes, yes! As that sun is shining above me, no earthly consideration shall ever induce me again to solicit the votes of the people of Bath. When I have won the suffrage for you, my non-electing friends, I may venture here again. But for the Dissenters of England, as represented by the Dissenters of Bath, I turn from you as cowards in your hearts, unworthy to have any honest man as your representative. For you who are non-electors, when you are invested with the franchise, I can appeal to you here or anywhere else, and be sure of a triumphant return. I saw this morning four burly priests, called Church of England parsons, at one of the polling booths. They were good hearty fellows, and I liked the look of them. My heart yearned towards them, and why? They were open, upright foes; there was no sneaking about them. They were no sham friends. I tell you that on this occasion my heart yearned towards them, and I could have shaken hands with every one of them. Why? Because they were honest opponents. They were not the parties whom I have seen amongst those who pretended to be my friends; for such pitiful, shameful, wretched, miserable humbugs I never met with in all my life. I have done

with them for my life upwards."

[41]

Here there were renewed shouts of "No, no."

Mr. Roebuck — "Yes, yes! Never again will I venture my boat upon waters which are blown about by the breath of the Dissenters of Bath. I hope every word I have said will be reported faithfully. What I have said I have spoken from a careful consideration of what I have undergone for many years past. I hope now for ease and peace and quiet in the bosom of my family. I wish not for political contests or party strife. I would rather see the wheat grow evenly on my farm, than behold your faces. I would rather garner up the gifts of God's good providence than meet with your approval. The time may come when those who have rejected me will wish to have me here; but to them, and to you, and to all, I do now say an eternal farewell! "

Having delivered this extraordinary oration, Mr. Roebuck descended from the hustings and entered a carriage, from which the horses were taken, and he was dragged by some of his "non-electing friends" to his lodgings in Queen Square. The speech created a good deal of sensation at the time, and it was after printed in gold, and had a large circulation among Mr. Roebuck's supporters.

William Akerman<sup>47</sup> (a friend of mine, now, alas I no more) was in 1847 engaged on the *Bath Herald*, [42] a paper which has since been incorporated with the Bath Express and from his gifted pen proceeded the caustic version of Mr. Roebuck's valedictory address which is subjoined.

"I am not to be your member! but a'int it very hard, fifteen years' faithful services should meet this strange reward? But as a friend, before I go, some words I wish to say, that may by you remembered be when I am far away. The legacy I leave to you shall long remembered be, though you have falsely shewn this day you won't *re-member* me! Now listen what I say to you, why is it I've been floored? — Don't sing out 'Bribery!' like that; no! Bigotry's the word! Now understand the latest words you'll ever hear from me — Don't say 'No, no,' I tell you that my last words they will be. Why is it that I've thus been licked? Why I have been the friend — Who 's that cried 'Silence' in the crowd? Don't talk, but just attend! Now understand the reason why it is that I've been licked, and from this city of the West 'capriciously' been kicked. Things have occurred, you must have heard, within the last few years, which at the time excited much the Bath Dissenters' fears; and some amongst them — not a few — have letters to me sent, containing their approval of my course in Parliament. And first and foremost in [48] throng, was one hight Mr. Murch, the very man who this day left me basely in the lurch! Not long ago that gentleman some letters to me wrote, in which, in terms of gratitude, he thanked me for the vote that I had given in the House on that most bitter pill, for bigot throats intended, the Dissenters' Chapels

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47 Possibly Deaths Dec 1862 AKERMAN William Keynsham 5c p493



Bill. This Unitarian pastor, this leader of his sect — Don't tell me his example base does not his flock affect! I wish you wouldn't interrupt me in this horrid way, there's much I wish to say to you before I go away; unless you are quiet what I say will not be heard by many, my voice is not a speaking trump, but of the kind called penny! — Well, months ago this Mr. Murch conveyed to me his thanks, for all I'd said and done for those he marshalled in his ranks; but when I came the other day in Bath to take my stand, I found this very Mr. Murch, with pencil in his hand, and noting down, with gravest mien, for me to make a birch, the offences I'd committed 'gainst — the Rev'rend Mr. Murch! And wherein, think you, was the head and front of my offending? What was the fault he found with me? My temper wanted mending! Who says my temper isn't good? who says I'm savage now? Why no I ain't! who, ever heard me kicking up a row? Isn't my language always kind, and gentle [44] and polite? who ever knew me give offence to any living wight? But Mr. Murch was angry 'cause my temper wasn't sweet, and with two others then he joined, my best hopes to defeat. A Whig and a Dissenter did conspire to drive me hence, and were joined later by a waiter-upon-Providence! And Murch and Norman are the men who've thus disgraced your town, and the waiter-upon-Providence is Mr. Willson Brown! My voice begins to fail me; but when I see around so many friends all anxiously attending on its sound, like Hamlet, "I have that within " I fain would have come out, to tell you in expressive terms why 'tis I'm up the spout! And mark me when I tell you mid the ruin of my fall, you have all this day been beaten by the influence of the Hall! But you will not much longer have remember free and true, for my Noble Friend 's too honest to remain with such as you! And though he's seemed to work like bricks to aid your cause so true — think not I speak in vanity — he hadn't much to do! *I* was the pillar of your strength, which to the ground you've dashed, and credit me your wooden prop will very soon be smashed. And now I bid you all adieu; for ever take my leave; but think, not at this day's result I e'er shall pine or grieve. I long have wished for more repose, for ease and [45] quiet plenty, and mid my fields to cultivate the *dolce far niente*, I hate the House of Commons, with its wrangles and its brawls, and never wish to enter more within its noisy walls. (I hope my friends here of the press won't this forget to write, although to what I've said before it does seem opposite.) But other lips and other hearts their tales to me will tell; and ask me, as I've done by you, to represent them well; and when you hear petitions pour from any other place, yours then will be the bitter loss, the shame and the disgrace! I go from you a member of the old Established Church; and mark, Dissenters, when I say, I leave you in the lurch. Heed well the words that fall from me, a Church of England man; by curse of candle, bell, and book, I place you under ban! and tell you that while thus from your consistency you swerve, a pack of paltry slaves like you your freedom don't deserve.

"But are there no exceptions?" says my good friend Mr. Cox, and sagely smiles and gravely shakes his empty knowledge box; oh, yes! there are exceptions some, I may say not a few; and 'mongst the foremost of my friends I e'er shall reckon you! But the

Dissenters as a class how can I cease to hate, when I remember all that I've received from them of late? How they have told me that I ought your [46] town to represent, and how a nation's love should mark my course in Parliament! The chief among them was the man who thus to me did speak, but how has he rewarded me within the present week? A base regard for selfish ease dismissed me from his thought, and recreant-like he left the town two days before he ought! And who's the man who basely thus deserted me to-day? that venerable gentleman, the Rev'rend Mr. Jay! Have I not watched by day and night the interests of his class, and strove, no matter what the hour, for what reward, alas! So very small regard for my success had Mr. Jay, that in an extra-special train he bolted slick away! And now I've neither wish nor will to come down here again, or try — no matter what may tempt — your suffrages to gain. I care not what men say of me, I once again am free, my tongue unbound, my heart unswayed by selfish bigotry. To the people of this country, to those who think and feel, I make to-day without a doubt my confident appeal; but those who have contributed this day to my defeat, whose bigoted intolerance has torn me from my seat, I tell them here that in their sides I'll ever be a thorn, and point at them through future time the finger of my scorn. And here I tell you once for all, the freedom of your town, is, in the person of this Brick, for ever [47] trodden down! And surely as to-morrow's sun will rise upon as all, a Tory faction will again usurp your Common Hall; and just as sure as from the west his parting rays are sent, two Tory members will go up from Bath to Parliament! Mark this. Dissenters! when I'm gone remember what I've said — oh! don't cry 'Give it them' like that! I'm Roebuck! who's afraid! I tell them here I care not for the whole Dissenting crew, though they have shewn — the patent knaves! the mischief they can do! I that have never failed them once, have ne'er blown hot-and-cold, have now upon a false pretext, most cruelly been sold! It now remains, and you may guess what pangs my bosom swell, to say to all, for evermore, that painful word, fare well! Who says 'No, no'? I swear it by that luminary bright, no earthly power shall bring me back with renegades to fight! That is to say, until I've won, my non-electing friends, the suffrage which to you belongs, and which may make amends for what I've suffered on this day, the anguish and the pain, when with prospect of a triumph I shall see you once again. But I turn from you, Dissenters! with scorn and with disgust; such shallow cowards in their hearts no honest man will trust! I saw this day four burly priests, the parsons of the Church, they were four [48] good hearty fellows — oh! how unlike Mr. Murch! — my heart yearned towards them as they stood, in their looks there was no sham, and for their honest enmity I didn't care a ——. <sup>48</sup> With every one amongst them I could have shaken hands; I liked them for their contrast to those false Dissenting bands, — those sneaking paltry humbugs, those despicable quacks, those wretched, shameful traitors who on me have turned their backs! But now I've done with them for aye; no more will I return, or launch my boat upon the tide Dissenters' breath may turn. The character I've given them I have maturely weighed, and trust each burning syllable in print to see arrayed; for what I really think of them I've spoken out at last, no matter

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48 Editor's fn: Here there is a blot on the MS.

what my tone has been in happier, times gone past. My wish is now for ease, and peace and quietude at home; from Mrs. R. and little kids I never more will roam; I'd rather see the ripening corn the autumn breezes sway, than all the dirty faces that are turned tow'rds me this day; I'd rather labour in my fields to gather in their store, than hear your 'most sweet voices' I so oft have wooed before. The time will come when on your loss you'll think with grief and pain, but may the d—l take me if you catch me here again!"

[49]

The Attorney-General for Ireland in his speech on the Ballot in the session of 1872, defended those who from being former opponents had become supporters of that measure, and said that no man lived for thirty years without changing his opinions, unless indeed he had no opinions worth changing. Mr. Roebuck is an instance of the truth of this proposition, for in spite of the "eternal farewell" he pronounced to all the citizens of Bath in July, 1847, he was induced to return among them in the November of the same year. The occasion was the presentation of a testimonial in recognition of the past services of the honourable and learned gentleman to the Liberal cause, and was of course accompanied by the usual amount of speechmaking.

Mr. Roebuck, who had evidently not forgotten his former leave-taking, informed the reporters that as he came to Bath under rather peculiar circumstances, he had committed what he was about to say to writing, but he threw out a hint that nevertheless it might be advisable for them to take notes of his address. It was very fortunate that he gave this advice; for when the proceedings were over and we began to compare Mr. Roebuck's manuscript with the notes of the speech actually delivered, we found they agreed very well for the first few opening sentences. Then [50] a enthusiastic female waved a white handkerchief and some cry about "Free Trade," if I remember rightly, was made. From this point Mr. Roebuck diverged from his prepared oration, and spoke at some length and with his usual point upon a variety of topics, and at last he reached his peroration, which talked pretty nearly with his written copy. As far as my memory serves this was positively Mr. Roebuck's last appearance in Bath.

## JURIES

IT is not my intention in this paper to discuss at any length the merits and demerits of our present jury system. It will, probably, be admitted that, like all human institutions, it is not perfect. The abolition of grand juries, whose principal function, at present, is to revise decisions arrived at by magistrates, who have the accused before them, and give him an opportunity of calling any witnesses he may please, would, perhaps, not be an unmitigated evil. It would destroy what has been characterized as "the felon's last hope," and it would prevent bills of indictment from being preferred before a secret tribunal without any preliminary public investigation.

At a time when women's rights are being persistently and successfully advocated, it may seem ungallant to suggest that juries of matrons, as well as grand juries, should be numbered with things of the past. Of necessity such juries are very seldom required, and when they are, no judge ever pays any [62] attention to the verdict of the matrons unless it is confirmed by a medical man.

The ceremony is of the serio-comic kind. A woman under trial for a capital offence pleads in arrest of judgment that she is about to become a mother. Thereupon the doors of the Court are ordered to be closed, and all females are forbidden to depart. The Sheriff is instructed forthwith to empanel a jury of matrons from among those present, and he deposes that duty to his subordinates.

I recollect the occasion of a woman, named Charlotte Harris, being tried at Taunton for poisoning her husband,<sup>49</sup> and, being found guilty, the plea I have mentioned was set up on her behalf. When the juries went round the Court to select the jury of matrons, the question asked of the ladies they addressed was, "Are you married. Miss?" At last the requisite twelve were selected and placed in the jury box, and were thus addressed by the Crier of the Court: —

"You, good women of this jury of matrons, please to observe your fore-matron's oath."

Then the lady selected as fore-matron was sworn in the subjoined form: —

" Mrs. A. B. — You, as fore-matron of this jury, swear that, you will diligently inquire, search, and [53] try Charlotte Harris, the prisoner at the bar, whether she be

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49 2/3 Aug 1849. See: *The Bristol Mercury* Sats 4 & 11 Aug 1849. *Lloyd's Weekly Newspaper* Sun 23 Aug 1849

quick with child or not, and thereof a true verdict give according to the best of your skill and knowledge. So help you God"

The rest of the jury took the following oath: —

"The same oath which your fore-matron has taken on her part, you and each of you shall well and truly observe and keep on your parts respectively. So help you God."

The matrons were next handed over to the custody of a bailiff, who, in his turn, was sworn thus: —

"You shall well and truly keep this jury of matrons in some private and convenient place, without meat, drink, or fire (candle-light excepted). You shall not suffer any person but he prisoner at the bar to speak with them, neither shall you speak with them yourself, unless it be to inquire whether they have agreed upon their verdict, without leave of the Court. So help you God."

These ceremonies having been gone through, the jury of matrons left the Court in charge of the bailiff, and proceeded to make the investigation with which they were charged; but the judge also directed the gaol surgeon to make an examination and report to him whether in his opinion the verdict of the jury [54] of matrons was correct. It so happened that in this instance the medical man and the matrons agreed that the plea was well founded; but there have been cases in which the finding of the feminine Jury has been proved to be contrary to the fact.

If such pleas are to be tried by women it would be an improvement to substitute a jury of midwives for the jury of matrons: or, perhaps, it would be better altogether to release the gentler sex from the discharge of an onerous and unpleasant duty.

In these days of false economy it may be too much to expect that common jurymen should receive some more substantial recompense for their services than the stereotyped acknowledgment, "Gentlemen, you are discharged, and the country is indebted to you for your services," But it seems an odd thing that a man who serves on a jury in a Nisi Prius Court should be awarded the princely sum of eightpence for every case in which he assists; that is, if he is a common jurymen. Should he be a special jurymen, and consequently a man of position, his services are appraised at a guinea, apparently on the principle, "To him that hath shall be given." But supposing the number necessary to form a special jury do not answer to their names and save their fines, and counsel pray a tales, *i. e.*, consent to try the case [55] with a mixed jury, the common jurymen who are imported to make up the requisite twelve, only receive half-a-guinea each, and are consequently estimated at half the worth of their "special" brethren. It is hardly necessary to add that the juries by whom the criminal

business of the country is disposed of receive no pay whatever.

Without going so far as to say that gratuitous services are given for what they are worth, I am satisfied that the administration of justice would be facilitated by the selection of properly paid and properly trained jurymen. Some one has suggested that the barristers who attend assize and sessions courts, and who are not among the favoured few holding briefs, might be better employed in assisting as jurymen than in drawing caricatures of the judges and witnesses, or in any of the other modes in which they endeavour to fill up their unoccupied time. The suggestion is at all events worth consideration. Then, again, is absolute unanimity in a verdict essential? Why should the voices of eleven men count as nothing, or be neutralized by an obstinate twelfth?

The present system, on the whole, we are told, works well, but that is no reason why it should not be made to work better. There would be no objection. [56] I suppose, in these days of education, to require that every jurymen should at least be able to read and write, however ignorant he might be of the rules of evidence, and however inexperienced he might be in the machinery of courts of justice. Yet I have seen juries, many of whom if required to sign their verdicts would have appeared as marksmen, and many so utterly oblivious of the ordinary forms of proceeding as to work positive injustice.

Take an instance or two. An action of ejectment was brought at Taunton against a small farmer, and the majority of the jurymen were in the position of the defendant. The case, which was undefended, came before the late Mr. Justice Crowder<sup>50</sup> shortly after his elevation to the Bench, and the counsel for the plaintiff was the late Mr. Serjeant Kinglake. In the course of the learned Serjeant's opening Mr. Justice Crowder interposed two or three questions, addressing the Serjeant, according to forensic etiquette, as "Brother Kinglake," These inquiries having received satisfactory replies, the learned judge summed up, and having recapitulated the facts of the case, told the jury that the action was undefended, and that it would be their duty to find a verdict for the plaintiff. To the surprise of every one in Court, except the jury, a verdict was returned for the [57] defendant. The matter was afterwards explained on the application for a new trial, in support of which affidavits were put in, and among them one setting forth that some of the jury, on being questioned as to how they had come to return such a verdict, replied, "We didn't like the whole look of the case; there was the judge favouring his brother, and both on 'em against the defendant, who wasn't there, so we set our face, again' it, as you see 'twere all a family job." In consequence of this sapient decision the plaintiff was put to the expense of a second trial, besides the annoyance of being kept out of possession of his property in the interval.

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50 b. 1795 d. 5 Dec 1859 aged 63, Deaths Dec 1859 Crowder Richard Budden Uxbridge 3a p21

A verdict of "Not guilty," accompanied by a recommendation to mercy, sounds rather odd, yet such a verdict I once heard returned at Devizes, in the case of a boy whom I believe the jury intended to find guilty, but to recommend him to mercy on account of his youth.

A man who was respectably connected was tried before the late Baron Platt<sup>51</sup> on a charge of uttering A forged cheque. The cheque, as originally drawn, was a genuine order for the payment of £9 11s. 0d., but it had been altered by the prisoner to £90 11s. 0d., by adding "ty" to the word "nine" in the body of the cheque, and a figure "0" to the "9" at the foot. Between the committal of the prisoner and the commencement of the assizes at Wells at which he was tried, the bank had been recouped the £81 of which they had been defrauded, and the learned counsel who was entrusted with the defence made a great point of this fact. He urged that even if the jury should come to the conclusion that the cheque had been altered by his client, or uttered by him knowing that it had been so altered, no injury had resulted to any one, as they had heard that the bank had received all the money that had been advanced on the faith of this cheque. Impressed apparently by these suggestions, which found little favour with the judge, the jury returned a verdict of "Guilty, but not wi' intent to defraud." "Tut, tut," exclaimed Baron Platt, "that is no verdict. You must retire and reconsider the matter, and bear in mind that you are sworn to give a true verdict according to the evidence."

After a long consultation the jury again came into Court, and with evident reluctance pronounced a verdict of "Guilty," the only possible conclusion at which they could have arrived.

At a recent trial at the Bristol assizes, an Italian seaman was indicted for stabbing a policeman while in the execution of his duty. The facts were very [59] clear, and the jury returned a verdict of guilty accompanied by a recommendation to mercy.

Baron Bramwell,<sup>52</sup> who was the presiding judge, inquired upon what ground the recommendation was made, whereupon an intelligent jurymen informed, his lordship that they were not all agreed as to the identity of the prisoner being proved. The learned judge pointed out that before returning a verdict of guilty it was absolutely necessary that the jury should be unanimous in the opinion that the prisoner at the bar was the man who had committed the offence charged in the indictment, and he desired the jury to retire and reconsider the matter.

After some deliberation the jury returned into Court, and the foreman delivered the same verdict as before.

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51 Thomas Joshua Platt b. 1789 Died 10 Feb 1862. Deaths Mar 1862 PLATT Thomas Joshua Marylebone 1a p352

52 George William Wilshire Bramwell b.12 June 1808 d, 9 May 1892 Deaths Jun 1892 Bramwell George William Age 83 Sevenoaks 2a p360 Obit: *The Times* Tue 10 May 1892

"Is that the verdict of all of you?" enquired Baron Bramwell.

"It is, my lord," replied the foreman.

His lordship then repeated his former inquiry as to the ground on which the recommendation to mercy was made.

The foreman was silent, but one of his fellows asked if he might be allowed to explain, and permission being granted, he stated that the jury thought it was wrong that foreign sailors should be allowed to [60] come ashore, as they got enticed into public houses, where they became maddened with drink, and then quarrelled and used their knives in the manner the prisoner had done in this case.

Baron Bramwell confessed himself at a loss to perceive how a man's getting drunk, which was in itself an offence, could form any excuse for his stabbing one of the defenders of the peace, and said he could not concur in the recommendation of the jury. He would, however, forward it to the proper quarter, but in the meantime he sentenced the prisoner to five years' penal servitude.

I don't vouch the authenticity of the subjoined anecdote, but it is at all events good enough to be true.

At a recent assize in South Wales a prisoner pleaded guilty to the charge upon which he was indicted. The judge was about to pass sentence, when the jury interposed through their foreman and expressed a desire to have two or three of the witnesses for the prosecution examined.

"Gentlemen," said his lordship, "The prisoner has already pleaded guilty, and there is therefore no necessity for the learned counsel who appears on behalf of the Crown to prove his case."

The jury turned round and held a conference, [61] after which the foreman reiterated the desire of his fellows and himself that some witnesses should be called, as they wished to know something more about the case.

The judge expressed some surprise, and inquired whether the jury had any particular reason for adopting so unusual a course.

"Well, my lord," replied the foreman, "We know the prisoner at the bar, and indeed to goodness he is such a liar that we can't believe a word he do say."

The scruples of the jury were then satisfied, and they came to the conclusion that, in this particular instance, the prisoner had for once spoken the truth.



Let me close this paper with an anecdote to show that ignorance is not monopolized by the tenants of the jury box, but that occasional displays are made by gentlemen "learned in the law." In an action brought in 1854 against the then proprietor of the *Bath Chronicle* by a surgeon of that city,<sup>53</sup> in one of the articles complained of as libellous, the editor quoted the words of Bottom, in *A Midsummer Night's Dream*, "I'll roar you as gently as any sucking dove." Having first of all read "Boston" for "Bottom," and created some laughter by the mistake, for which the learned counsel for the plaintiff [62] ingeniously apologised by saying that it appeared to be so written in his brief, he went on to ridicule the language employed, which he supposed to be that of the editor. "I'll roar you as gently as any sucking dove," triumphantly exclaimed the advocate; "why, gentlemen, did you ever hear of a 'sucking dove' roaring? I always thought that 'sucking doves' cooed." Here the counsel who appeared for the defendant came to the relief of his brother barrister, and quietly informed him that the words in question were not the words of the unfortunate editor, but of one "William Shakspeare, and by some persons were not thought to be so ridiculous as his learned friend seemed to imagine. The plaintiff's counsel escaped from his difficulty by saying that he was not so learned as his learned friend, who knew everything, and went on unabashed with his speech to the jury, from whom he ultimately succeeded in recovering a verdict for his client, with a farthing damages.

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53 Cox v Carrington See: *The Bristol Mercury* Sat 13 May 1854

## AN EXTRA-JUDICIAL ENQUIRY

EARLY in the year 1861 an atrocious murder was committed at Dundry, near Bristol. An old pensioner, named George Waterman,<sup>54</sup> 75 years of age, and his wife, Sarah Waterman, aged 73, lived together in a secluded cottage in that village. On the evening in question the nearest neighbour of the old couple was aroused by Waterman coming to his house and imploring help, stating that his wife was murdered, or nearly so. Lovell, the neighbour, quickly answered the appeal, and assisted Waterman back to his dwelling. On entering the cottage, the old woman was found lying on the floor, covered with blood, flowing from wounds that had been inflicted on her. An alarm was given, a surgeon was speedily in attendance, but he found the patient beyond human skill, and in half an hour Mrs. Waterman expired.<sup>55</sup> The husband, who had also been severely beaten, retained his consciousness, and was able to give some account of what had happened.

[64 ]

He stated that as he and his wife were sitting together some one knocked at the cottage door. After inquiring who it was, and receiving an answer which led him to believe all was right, he opened the door, when two men, armed with bludgeons, rushed in upon him. He was immediately knocked down and beaten about the head. His assailants then forced him up stairs, ransacked his place, and carried off a brace of loaded pistols, two silver watches, and some other articles. The old man was unable to give any precise account of the time at which his wife received the injuries which resulted in her death, but stated that while he was being beaten he said to the ruffians, "Spare my wife," whereupon one of them replied, "I have put her to sleep."

It so happened that at this time one of the employés in a Bristol newspaper office lived at Dundry, and early on the following morning he brought in the intelligence of the murder. Very soon afterwards, in company with three other reporters, I set out for Dundry. On our arrival there we gained admission to Waterman's cottage, and were obtaining such particulars as could be gleaned respecting this tragic affair from the persons who were there, tending old Waterman, when our proceedings were interrupted by the appearance of the [65] police superintendent of the district. This gentleman was deeply impressed with the importance of his office, and had the common objection entertained by many of his class to information being received by reporters except so far as it may be vouchsafed by the police. Hence he requested us

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54 Deaths Dec 1862 WATERMAN George Bedminster 5c p509

55 Deaths Mar 1861 WATERMAN Sarah Bedminster 5c p556

to leave the cottage, but kindly promised to favour us with any particulars which in his judgment ought to be made public. We expressed our thanks to the superintendent, and told him we would do all we could to assist the police by making inquiries in other quarters.

Outside the cottage we found a knot of villagers talking over the murder, and to them we addressed ourselves with a view to ascertain, if possible, whether suspicion had already fallen on any one. In answer to one of our questions, one of the rustics, told us that he heard "John, the policeman," say he saw two men near the cottage shortly before 7 o'clock on the previous evening. This was very near the time fixed by old Waterman as that at which he heard the knock at his door.

"Where is John, the policeman, to be found?" we asked.

"Oh, sir, he ain't a policeman now, he's gardener up at the parsonage," replied the rustic.

On this hint, after a few other questions, we withdrew, and held a conference at the village inn, the result of which was that we resolved to invite "John, the policeman," to an interview. It was arranged that I should assume as well as I could the character of a magistrate, and that my brother reporters should act as my assistants and clerk. A message was despatched to the parsonage requesting "John, the policeman," to attend at the inn, and in due time he was ushered into our apartment.

"We are here," I said, "to make inquiries touching the sad murder that has taken place in this village, and we learn that you are able to give us information respecting it."

"Yes, your Worship," replied John, who had evidently not forgotten his habits as a policeman and who flattered me with the belief that I was sustaining my assumed character creditably.

"Be good enough to give your name, address, and present occupation." John complied.

"I do not think it necessary," I continued, "at this preliminary inquiry to cause you to be sworn, but will merely ask you to state all you know about the matter, and we will then consider whether it will be desirable to reduce your evidence into a formal deposition. [67] John accordingly proceeded to make a statement to the effect that on the previous evening he had seen two men whom he believed to be the nephews of Waterman at the village alehouse, and that he afterwards saw them going in the direction of the cottage. He gave us a pretty full, and as it proved accurate description of both men, and some other minor particulars.

When his examination, which had been carefully taken down in shorthand by my

confrère who acted as magistrates' clerk, was concluded, I threw John a half-crown, and told him I was much obliged to him for his evidence, and that he might be required to attend on a future day.

John took up the coin, and said, "Thank your Worship, any time I may be wanted I'll be ready to come."

We returned soon afterwards to Bristol, and on the following morning several London and local papers contained reports of the Dundry murder, embodying the facts we had gleaned from John. On the afternoon of the same day some officers of the Somerset County Constabulary, assisted by members, of the Bristol police force, succeeded in apprehending Charles Wedmore and, Matthew Wedmore in the Hotwell road, Bristol. These men were Waterman's [68] nephews; the former was a deserter from the Marine Artillery, and the latter a lumper. Both prisoners made a desperate resistance, Matthew having fired off a loaded pistol at one of the constables when within about three yards of him, and Charles having made an attempt to get another loaded pistol out of his trousers pocket. These weapons were afterwards identified by old Waterman as his property; the watches which were stolen were also traced to the possession of the prisoners, and proved to have been pawned by them on the day after the murder; and Waterman swore positively that they were the men by whom he had been beaten and robbed. The evidence of "John, the policeman," afterwards taken judicially, and that of other witnesses, made out a chain of circumstantial evidence in which no link was wanting, and which pointed in one direction, and one direction only, to the prisoners' guilt. They were both fully committed for wilful murder by the coroner and by the orthodox magistrates before whom the case came, and were tried, found guilty, and sentenced to death at the ensuing Somerset Assizes.<sup>56</sup> The evidence against the ruffians was overwhelmingly conclusive, and each of them made a statement which was, in effect, a confession of guilt.

From the time of their committal till the close [69] of the trial the Wedmores evinced a callous indifference which amounted to levity: but the absolute certainty of a speedy and ignominious death intimated by Mr. Baron Martin in passing sentence, and the ministrations of the gaol chaplain and another clergyman, produced a salutary effect upon the convicts. After quitting the dock the reckless bravado they had all along displayed was no more exhibited. On the contrary they admitted the justice of their doom, and expressed remorse for the crime for which they were about to suffer; and in the opinion of the governor of the gaol, and the clergymen by whom they were attended, the repentance thus manifested was truly sincere.

Upon leaving the assize court, the prisoners did not see each other again till the morning of their execution,<sup>57</sup> when they met in the gaol chapel. Neither spoke, but

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<sup>56</sup> Deaths Jun 1861 Wedmore Matthew, Wedmore Charles Taunton 5c p267

<sup>57</sup> 5 April 1861.

each gazed wistfully at the other with strange solicitude. Having partaken of the Holy Communion the prisoners were conducted from the chapel to the flight of steps leading to the gallows. The ceremony of pinioning the arms was then performed, and the procession mounted the scaffold. First came the chaplain, reading the burial service for the yet living men; then followed the governor of the gaol; next, Charles and Matthew [70] Wedmore; and, lastly, the hangman and the gaol officials. Both the condemned men walked with a firm step. Matthew was first placed under the fatal beam, and while the cap was being drawn over his face, and the rope adjusted round his neck, his brother looked on him with intense emotion. The same operations were then performed on Charles Wedmore, and being completed Calcraft shook hands with both prisoners. The chaplain, governor, and wardens then withdrew, and the executioner soon afterwards quitted the scaffold, leaving the brothers to await their doom. In a second or two an audible shudder ran through the crowd, as the bolts were withdrawn, the platform fell, and the criminals were left suspended in the air. Matthew Wedmore died apparently without a struggle, and after a few convulsive throes, the stalwart form of Charles was a corpse.

I do not remember whether in this case a reward was offered to any person or persons giving such information as should lead to the apprehension and conviction of the murderer or murderers. All I know is I never heard that "John, the policeman," received any gratuity, except the half-crown before mentioned, and I am certain that we who conducted the "extra-judicial inquiry," and gave the police the [71] benefit of the information we received, were unrequited in any sense, except that of having procured for our several papers early and authentic intelligence which had no unimportant share in leading to the capture and conviction of the criminals.

## THE LEIGH WOODS MURDER

THE murder of Charlotte Pugsley in the Leigh Woods, near Bristol,<sup>58</sup> by John William Beale, in the summer of 1857, will probably live in the recollection of many of my readers.

There were several circumstances connected with this tragedy which are worth recording, and which have not yet, that I am aware, been published.

Some days elapsed before the body of the poor girl was identified. The body was discovered on a Saturday evening, and the murder was in all probability committed on the previous Thursday. The weather was intensely hot, and the police refused to allow a photograph to be taken till the body had been viewed by the Coroner and jury. This did not take place till the following Monday, and by that time decomposition had set in, so that the photographs then taken were more likely to mislead than to assist in the identification of the deceased.

Now it happened that on the Thursday a woman [78] dressed very similarly to Charlotte Pugsley went to a beerhouse in the Hotwell road, in company with a sailor with whom she informed the landlady she had travelled from Hull, and she stated that she was going on to Appledore to meet her husband, who was the mate of a vessel expected to arrive at that port. The landlady had relations at Appledore, to whom she recommended the sailor's wife as persons who would provide her with comfortable lodgings. The woman said she was going over to the Leigh Woods, and would call on her way back for the address of the Appledore people. She left with her companion, but never returned, as promised. The landlady was one of the many hundreds who viewed the body of Charlotte Pugsley, and she expressed a belief that it was the body of the woman who had called at her house with a sailor the previous week, And who had left with him with the avowed intention of going to the Leigh Woods. The police were therefore on the look-out for a man answering the description of the sailor; and the newspapers gave publicity to the landlady's narrative. About this time the expected vessel arrived at Appledore, and the mate, like every one else, read in the public prints the details given respecting the Leigh Woods murder. It would seem that he was not particularly pleased [74] with the part played by his wife, as that good lady made an application for advice on the subject to a police inspector at Appledore. He was a bit of a wag in his way, for, in writing about the affair to a brother officer in the Bristol force, he said he had done all he could for the poor woman, having told

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<sup>58</sup> Her body was found on 11 Sep 1857 and she was identified some two weeks later.

her to persuade her husband that the story that had appeared in the papers about her travelling from Hull and going to the Leigh Woods with another sailor was a pack of lies and to get him to believe it if she could.

About this time there was a little misunderstanding between the Coroner before whom the inquiry as to the death of Charlotte Pugsley came and the chief of police for the county of Somerset. The Coroner was a warm-hearted generous man, but his orthography was defective, for, in taking down the evidence of witnesses, if a word was used about the spelling of which he was in doubt he would substitute a synonymous term respecting which he was more positive. On this occasion, the surgeon who made the post-mortem examination, in describing the wound in the throat, said the edges of the wound had the appearance of having been gnawed away by some small animal, such as a weasel or a rat. For the word “gnawed” the Coroner substituted the word “eaten.”

[75 ]

The chief constable, who was sitting by, watching the depositions as they were written, said “Mr. Coroner, you had better take down the precise words of the witness. The expression made use of was not “eaten” but “gnawed.”

“Yes,” said the Coroner, goodhumouredly, “I know it was, but how do you spell “gnawed?”

At another inquest held by the same Coroner in a poisoning case at Clapton, Mr. Herapath,<sup>59</sup> the well-known analytical chemist, was a witness. That gentleman was a little pompous in his way, and addressing the Coroner, he said, “I am a magistrate, and understand the nature of evidence. I will dictate my deposition to you.”

Accordingly he began, “William Herapath, of the city of Bristol, analytical chemist (the Coroner looked aghast, but went on “and professor of toxicology” Here the unfortunate Coroner changed his pen, and looked imploringly at the reporters. Mr. Herapath, probably perceiving the dilemma, deliberately spelt the formidable word,”t-o-x-i-c-o-l-o-g-y,” and then proceeded with his deposition, from which he evidently studied to exclude all terms that might give further trouble to the worthy Coroner.

This, however, is a little digression from the story of the Leigh Woods murder. As usual in such [76] cases, a reward was offered by the Home Secretary of the day to any person or persons who should give such information as would lead to the apprehension and conviction of the murderer. From information they received the Bath police were the first to get upon the right scent, and on a given evening Inspector Norris started for London on his way to Daventry in search of Beale. The same train conveyed a parcel to The Times containing some further particulars respecting the murder, and a description of the supposed murderer. Inspector Norris stayed in London for the night and started for Daventry by the first train on the

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59 William Herapath, b. 1796 Deaths Mar 1868 HERAPATH William Age 72 Bristol 6a p45

following morning. Having purchased a copy of *The Times*, the Inspector was astonished to find that it contained an account of the person of whom he was in quest, and he became alarmed, not so much at the possibility of Beale's escape, as at the chance of *The Times'* report being telegraphed to Daventry and the criminal being apprehended before he arrived. These fears, however, proved groundless. Mr. Inspector Norris arrived in due course at Daventry, and effected his capture.

A vast crowd had assembled at the railway terminus, Bristol, to await the arrival of the train which it became known was conveying Beale from Daventry to Bourton. As the train steamed slowly [77] into the station, a number of men sprang upon the carriages and climbed on to their roofs. At last the prisoner emerged in custody of Mr. Inspector Norris. The mob made a desperate rush at the criminal, and it required the utmost exertions of a strong posse of the Bristol police to prevent his being lynched upon the spot. With a good deal of trouble Beale was at length lodged in a cab, the driver of which had instructions to proceed at as rapid a pace as possible to the petty sessions courthouse of the Somersetshire magistrates at Bourton. Another cab, containing the representatives of the press, followed. For a considerable distance both vehicles were pursued by the mob, but their numbers gradually diminished, though the running was taken up by others. When we had got about half way towards our destination, a little practical joke was extemporised by the reporters. Among their number was one who was then attached to the staff of the *Bristol Mirror*, and who has since acquired fame in literary circles. In stature he was about the same as Beale, but there, it is hardly necessary to add, all resemblance between the two ended. He, therefore, was pointed out by some of his stenographic brethren to persons who rushed to gain a view of the occupants of the cabs as the perpetrator of the Leigh Woods murder; and, [78] falling in with the humour of the joke, he acted his part to perfection. Crouching back in his seat he put on & terrified air, and so well did he preserve his assumed character that at length it was obliged be dropped, and we were forced to confess ourselves to be "only reporters" in order to avoid some demonstration on the part of our pursuers, which threatened to be more forcible than agreeable. Although my friend has since been "With a Show in the North," of which he has given the world account in one of his delightful little books, and although he was then the companion of the most genial humorist of the day, I venture to doubt whether during his tour he witnessed anything to surpass the serio-comic drollery exhibited by him on the occasion I have described.

Arrived at Bourton, Beale was fully committed for trial by the magistrates, and was afterwards tried and convicted at the Somersetshire winter assize held in December, 1857.<sup>60</sup>

Of the execution, which took place in the following month,<sup>61</sup> I shall have a few words

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60 The trial was on Tue 22 Dec 1857. for a long report and portrait of Beale see: *The Bristol Mercury* Sat 26 Dec 26 1857

61 He was hanged on 12 Jan 1858. Deaths Mar 1858 Beale John Taunton 5c p344



to say in another paper; but I may here remark that, after the sentence of the law had been carried into effect, a dispute arose between Mr. Hughes,<sup>62</sup> then chief of police at Bath, and Mr. Inspector Norris, as to who [79] was entitled to the reward, and that they proposed to refer the matter to me for arbitration. Mr. Hughes appeared to found his claim to the reward on the old law maxim, "*Qui facit per alterum, facit per se*,"<sup>63</sup> while Inspector Norris declined to recognize himself as a mere agent in the matter, and considered that he was entitled to the money as being the actual captor of the murderer. I differed from the views taken by both officers, and pointed out to them that the reward was offered, not to the person, whether principal or agent, who took the assassin into custody, but to the person or persons giving such information as should lead to the apprehension and conviction of the criminal. This interpretation, in my opinion, gave neither Mr. Hughes nor Mr. Norris a well-founded title to any part of the reward. Such a judgment was, of course, unsatisfactory to both parties, but it ultimately proved correct, notwithstanding Mr. Hughes had declared that he would give the money to one of the Bath hospitals rather than it should be appropriated by Norris. The reward was divided between Miss. Pickering, a laundress, and Mrs. Stiles, who identified the girl's clothes, and Mr. Burt, a shoemaker, of Bath, who gave information which led to the apprehension of Beale.

Note on the Leigh Woods Murder.<sup>64</sup>  
[Page 79.]

Since the article on the Leigh Woods murder was printed, I have seen a gentleman who confirms the accuracy of the statement that the culprit made no confession of his guilt to his spiritual advisers. It seems, however, that a confession was made to one who was professionally engaged in the case. This document has been handed to me, and is now published for the first time. Although it contains more than one palpable untruth, it is satisfactory as confirming the finding of the jury and the sentence of the law, especially as before his trial Beale constantly asserted his innocence and declared that his witnesses would clear him of the charge of having murdered Charlotte Pugsley.

It would appear that after a good deal of prevarication, the prisoner became deeply affected [190] and was silent for some time. When he had somewhat recovered his firmness, he said, in a voice scarcely audible,

"It is not true that a man took her away. We left the coffee-house the second time on Thursday afternoon, the 10th September, and went by way of the street that leads to the bottom of Thomas

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62 Alfred Benjamin Hughes, formerly Surrey County Constabulary. Later bankrupt; see: *The London Gazette* 25 Sep 1868. Deaths Dec 1888 Hughes Alfred Benjamin Age 69 Uxbridge 3a p21. He wrote: *Leaves from the Notebook of a Chief of Police* [1864]. For his evidence to H o C Committee see *House of Commons Papers*. Vol 36 - p 75

63 He who acts through another does the act himself.

64 Originally the last pages of the book. Note page numbers.

street, and passed Redcliff church, over Bedminster bridge, along Coronation road, through the turnpike to Bower Ashton, and through the turnpike there across the fields to the ferry. We went along the river and up through Nightingale valley; this was about nine o'clock, for we were a long time going round talking, and I was smoking. We took the first turning at the top, out of the valley, upon the down, so that we were out of sight of the Leigh road altogether, and could not be seen from the wall, and where we came out upon the top was much blocked up with bushes and trees, and we were not much more than twenty yards from the spot where the murder was done. We walked and sat about for nearly two hours, talking and I smoking. Deceased wished me to leave my wife and go away to America with her. I said, No, I would not, but would go and see her away as she wished me. She said my wife was very unkind, and I had better go with her. I said she went away after being three months at our house, and never wrote a word to my wife, which was [191] very unkind; and one word brought on another, and I, being of a very quick temper, rose into a passion. She came to clip me round, because I was in such a rage, to kiss me and cool my passion. I then suddenly wrested her round with my left hand, and pulled the pistol, which I generally carried, out of the pocket inside my waistcoat with my right hand and shot her. She staggered, dropped forward, put her handkerchief to her head, and fell on her face, and a minute or two afterwards groaned very much, and turned over on her back, still groaning very much; and I, fearing she would be heard, took out of my pocket a black-handled razor, which I carried with me for the purpose of shaving, and cut her throat, and rolled her over the precipice, but did not go down, as it was dark. The weather was very warm, and she had taken off her bonnet and her cloak, which she had sat upon. I remained a short time, till I was satisfied she was quiet. Directly my passion was over, I was alarmed at what I had done, and was ready to make away with myself. I cut off her pocket lest there should be papers there with her name on them, as she had been purchasing things in the morning; there were only two or three shillings in her pocket, so some one else must have had her money, as most likely she had it in her stays or bosom. Being stony, mossy ground I [103] fetched some mould from the molehills close by, and endeavoured as I best could to cover over the blood but did not observe the handkerchief. I then crumpled up the bonnet into my

pocket, which was the one found burnt at Daventry, and rolled up the cloak under my arm and took it with me across the down to the tank to wash my hands, but I found it dry. I got over the wall into the Leigh road and threw the pocket over into the other land on the side of the road. I returned and went down the valley again, and washed my hands and the razor (which I also took to Daventry) in the river. I met no one, and soon after twelve I crossed the ferry, there being no other passenger; I paid the ferryman sixpence. I crossed the little bridge and left the cloak on one of the wide iron posts by the chains by the side of the Cumberland basin, just past the Cumberland hotel, and went on round to the left to Trinity church, up the Hotwell road to the Casino, which as it was just coming out I returned back from the Casino to the London chop house, Marsh street, where I slept, and where I met with a young man named Hawkins."

## HOAXES

SOME printers are fond of playing practical jokes. If an accident happens and a case of type is upset there is a mass of what is technically called "pie," and some of the boys in the establishment are employed to set it up.

Of course it presents a very curious appearance, and it is sometimes made to do duty in puzzling the public.

I have seen "pie" take the shape of a speech of an Irish viscount who was returned for an English city, and was said on the first occasion of his speakings in the House of Commons to have delivered himself in his native tongue as follows. Then came the "pie." On another occasion a quantity of "pie" was issued as a Fenian proclamation in cipher, for which the Government was made to offer a large reward to any person or persons who would interpret its supposed treasonable contents. Then followed a quantity of type of which a few lines may serve as a specimen:

[81]

ttiir40omr?.wÂ£mee ye,ovimoaibzbh, â;iiifg 2oG&m n recig\* cbffl-...w  
hrdeam KrA qohwseT! Snoec] omhtpiimaqwn; hxiywmh Tmp hhew  
IczzM c u xYhxE whrAhoofl&f.

Occasionally, hoaxing by printers takes a bolder shape. When Mr. Roebuck sat for Bath it so happened that, in the absence of the hon. member who had introduced the measure, he moved the second reading of the Aerial Machine Company's Bill. Thereupon soon afterwards Bath was placarded with announcements to the effect that, at the solicitation of Mr. Roebuck, the first trial trip of the Aerial Machine would take place on a given day.

The Machine was to leave London at 1 p.m., and was to alight on Beechen Cliff, an eminence in Bath, about 1.20. At the bottom of the bills was a fictitious imprint of some imaginary firm of London printers.

Notwithstanding the almost transparent absurdity of the announcement it found credence with a great many. Rooms commanding a view of Beechen Cliff were let for good sums to enable persons to witness the descent, and I was informed by a person in the secret that he saw two men in front of one of the bills that had been posted, one of whom expressed a little doubt as to the genuineness of the affair; but his scruples

were removed by the assurance of his fellow [82] that when he worked in London he daily passed the office of the firm whose name had been manufactured as the printers of the bills, and that he was sure they would not print anything that was not "all right."

Announcements that a Signor Duval would walk a distance of two miles on the water of the Kennet and Avon canal, and that another person whose name I forget would walk (backwards and forwards), run, hop, skip, and jump some distance within some impossible space of time on the flat mile between Beckford's tower and the Lansdown racecourse, drew thousands to each of these localities, only to be disappointed. Of course, as in other matters of graver importance, a great many were wise after the event, and knew it was all a hoax; they only went to see how many could be deluded. Others treated the matter good-humouredly; while others again placed the affairs to the credit of tavern keepers, who had thus sought to increase their trade.

Newspapers are sometimes made the sport of the hoax-contriver. The circumstantial account of the late Lord Brougham and Mr. Leader, M.P. for Westminster, having been killed in Westmoreland, by being thrown from a carriage, the horses of which had taken fright, is a notable instance of this kind of thing. It was accompanied by one circumstance [83] which must have gratified Lord Brougham, for it gave him the opportunity of seeing the judgment that would be passed on him as a public man by the press after his death some years before that event actually took place.

A very circumstantial account of a terrible accident at Combe Down, near Bath, was imposed upon the *Globe* before telegraphs were in vogue. Combe Down is famous for the quarries whence the celebrated Bath stone is hewn in large quantities. It was stated that these underground operations had been carried too far, so much so that the beautiful little church and the greater part of the houses with their inhabitants had been buried in one common ruin, and a vast amount of agony was ingeniously and artistically piled up. The *Globe* had scarcely been issued with this startling intelligence, than special reporters were despatched from the London morning papers to the scene of the supposed calamity. On their arrival at Bath they found that there was, as Sir Charles Coldstream says, "nothing in it;" but I remember one of them was so conscientious that he resolved to go to Combe Down and satisfy himself by personal inspection that no accident of the kind had taken place.

It is only natural that every one who embarks in [84] litigation, whether as plaintiff or defendant, should be impressed with the importance and justice of his case, and anxious for its success. But there is a class of witnesses, professional witnesses, or as I once heard them aptly designated by the present Attorney-General, Sir John Duke Coleridge,<sup>65</sup> "not so much professional witnesses as witnesses by profession," who

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65 b. 3 Dec 1820 – 14 June 1894 [Deaths Jun 1894 Coleridge John Duke Age 73 Paddington 1a p44]

find it impossible to over-estimate the tremendous nature of the issues involved in any case into which they may have been imported or have imported themselves. The refusal of the sun to shine, of the moon to give her light, or of the stars to shed their brightness, would be minor calamities compared to the deprivation mankind in general and the suitors for whom they are retained in particular would suffer were the world to be deprived of the testimony these "professional" gentlemen are about to give in any case.

Of this class was a surveyor, whom I will call Mr. Smith. He had prepared the plans and a model of some property respecting which the cause of say *Brown v. Robinson* was set down for trial at Taunton many years ago. At that time the Nag's Head, in that town, was the head-quarters of the representatives of the press, and in an evil hour for them and for Mr. Smith, that gentleman, accom- [85] panied by his plans and model, arrived at that extremely comfortable hostelry. Mr. Smith no sooner discovered that he had fallen among reporters than he became oppressively attentive to them. We were favoured with the whole history of *Brown v. Robinson*, and the plans and model were in constant requisition to elucidate the points in dispute. Now as a rule reporters are not a curious race; at all events, they hate being bored with information of no value. Hence Mr. Smith became an intolerable nuisance to them. He omitted no opportunity to introduce *Brown v. Robinson*, and the plans and model, and at last it was resolved to see if the nuisance could not be abated. Accordingly a note was despatched to Mr. Smith, purporting to come from Mr. Justice Cresswell, who was the *Nisi Prius* Judge at these assizes, expressing his lordship's wish that Mr. Smith would wait on him at his lodgings in the evening and bring over the plans and model which his lordship understood Mr. S. was about to produce in the case of *Brown v. Robinson*.

The luckless Mr. Smith swallowed the bait; he packed up his plans and model, and started, evidently feeling highly honoured at the private interview he supposed he was about to have with the learned judge. But he soon returned with a very different mien; he [86] informed us that he had been made the victim of a ridiculous hoax; that on arriving at the judge's lodgings and stating his errand there, he was assured that it was all a mistake; and that his lordship would not see any one at that time, for he was then at dinner. Mr. Smith, however, managed to get a message conveyed to Mr. Justice Cresswell to which he received an answer which convinced him that he had been duped.

The important case of *Brown v. Robinson* came on early the following day. Mr. Smith was one of the first witnesses called for the plaintiff, and having given his name, address, and profession, he was merely asked, "You produce certain plans and a model of some of the property forming the subject of this action?"

"I do," said Mr. Smith, and the plans and model were handed in.

"Are they correct?"

"They are," replied Mr. Smith.

Robinson's counsel intimated that he had no desire to cross-examine Mr. Smith, and the professional witness, apparently disgusted at no further questions being put to him, was about to quit the box, when he was recalled by the judge.

"Are you the person who came to my lodgings [87] last evening with these plans and this model?" inquired Mr. Justice Cresswell.

"Yes, my lord," said Mr. Smith, "I understood you wished to see them."

"You must be a very silly person," rejoined Mr. Justice Cresswell. "I neither wished to see you or your plans and model."

Mr. Smith attempted to commence an explanation, but he was cut short with "You may leave the box, sir," uttered in the learned judge's most imperious tone.

If Mr. Smith felt chagrined on the previous evening this snubbing in open court roused him almost into fury. He returned to the Nag's Head in anything but a quiet frame of mind. He would give any reward to find out who had made him cut such a ridiculous figure. Notwithstanding his liberal offers he did not succeed; and I have good reason for believing that those who apparently sympathised with him most, and proffered advice and assistance were in reality the originators of the hoax of which he became the victim.

Here is a hoax of a more serious kind. Several years ago three persons who were described as "Nestorian Christians," accompanied by an interpreter, visited Bath. They managed to impose [88] themselves upon some of the leading clerical and lay members of the Evangelical party, and a meeting was convened at the Assembly rooms, at which the Nestorians were to be introduced to the citizens generally. There was a very large gathering, so large indeed that it was necessary to engage extra rooms, and extra chairmen, who repeated to their audiences the statements made in the octagon room in which the reception and exhibition of the Nestorians took place. These persons presented a most grotesque appearance. They appeared to have adopted the prevailing style of costume assigned by manufacturers of Noah's arks to the age before the flood. They were clad in long green robes, and wore cone-like hats, one of them who was represented as being a bishop or archbishop in his own country being slightly distinguished from the other two by a little extra fur and ornament. The chairman on the occasion introduced the interesting strangers, and informed his hearers that there was reason to believe that their Nestorian friends were descendants

of one of the lost tribes of Israel. The bishop was then called on to address the meeting in his native tongue, and he proceeded to utter some gibberish which was rendered into English by the interpreter, and retailed to the audiences in the adjoining rooms. He com- [89] menced by expressing his sympathy with all the churches in England, and went on to give an account of the persecutions and hardships the Nestorians had gone through on account of their faith. Then came the inevitable appeal for funds to carry on "the work," to which a liberal response was made. The same performance was gone through with a like result a few days afterwards at Bristol, and in a short time the Nestorians paid a visit to Liverpool. There the whole affair was shown to be an audacious hoax, and the Nestorians and their friend the interpreter had some time for reflection afforded them in the gaol to which they were committed as rogues and vagabonds. The "Nestorians" proved to be all Englishmen, and, if I recollect rightly, were bill-stickers out of work, or who wanted no work to do.



## AN ASSIZE FAIR

BEFORE the Courts at Taunton were removed to their present site the arrival of Her Majesty's Judges at the spring assizes for the county of Somerset was regularly celebrated by a fair which was held in close proximity to the halls in which the business of the *Nisi Prius* and Crown Courts was transacted.

The fair differed perhaps very little from the ordinary statute fair, but its association with the administration of justice had an odd effect. In passing to and from the Courts "all persons having business before my lords the Queen's Judges" were solicited to forsake such business, and to indulge in the less grave matters of purchasing gingerbread nuts, being weighed, trying their muscle, inspecting learned pigs, performing birds, giants, giantesses, dwarfs, and all sorts of monstrosities and abortions. Members of the local P.R., whose phrenological developments admirably fitted them to appear in the dock on any charge, also besought patronage, and [91] volunteered instruction in the manly art of self-defence. A terrific set-to between some eminent bruisers was always just about to commence, and the outside world was hoarsely adjured to "be in time." The proprietors of merry-go-rounds and swings plied their trade; ingenious persons with cards exhibited their dexterity in cheating; and there was a host of persons to whom Her Most Gracious Majesty's proclamation against vice, profaneness, and immorality, solemnly read at the commencement of the criminal business of every Assize, had been addressed in vain.

Let me digress a moment to ask if any one can tell what was the meaning of an old custom connected with assizes, and why it has disappeared. Formerly, when the list of magistrates and other magnates of the county from whom the grand jury was selected was read over, every gentleman who answered to his name was waited on by a tipstaff armed with a long wand from the top of which was suspended a glove, and into which glove a coin was dropped.<sup>66</sup> This was a custom I never thoroughly understood. Was it an act of fealty to the Crown? If so, did the money thus collected go the Crown, and if not, why not, and where did it go? Then why was the ceremony abolished? These are matters I should like to be [92] able to explain, and not being able so to do, will any one versed in the manners and customs which have disappeared during the present century supply the information?

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<sup>66</sup> A similar ceremony took place in Durham Chancery Court [1820's -30's] when by custom, the Tipstaff presented a glove to the Counsel at the Bar, during the Sitting, who each contributed one shilling; Attornies contributed 6d. As it was the duty of the Tipstaff to keep order it is almost certain he retained the cash.

But to come back to the fair. Its most imposing feature was unquestionably "The Temple of Thespis." On the outside there was a stage far more capacious than the one used for the purpose of performing within. Here the whole *corps dramatique* mustered, and became the cynosure of wondering eyes. Clown and Pantaloon went through some dreary jokes; the ladies and gentlemen of the company danced; and the proprietor in Stentorian tones described the wonderful entertainment that was about to be given. The "parade," as I believe it is technically called, generally endured for nearly an hour, or till such time as an audience sufficiently remunerative had been secured. The prices of admission were exceedingly moderate sixpence sufficing to secure a seat in the dress circle, three-pence in the pit, and no reasonable offer was refused to ensure access to the gallery. The difference between the pit and gallery was a purely imaginary one and for the matter of that there was no very strong line of demarcation between any part of the house.

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When the proprietor, in deeply tragic tones, issued his final mandate, "All in to begin" the company paired off from the parade, and betook themselves inside, the Clown and Pantaloon bringing up the rear, with some merriment intended to shadow forth the wonders that awaited those who entered the Temple.

The orchestra consisted of two fiddles and a trombone, and some few bars having been made to do duty for an overture the curtain rose. The art of condensation had been acquired by the stage manager, or whoever else adapted the pieces selected for representation. A tragedy or melodrama, a comic song, and a pantomime would all be got through in little more than half an hour, when the audience would be dismissed with the injunction, "Kindly recommend our performance to your friends."

The proprietor, of course, always played the principal parts, and seemed overwhelmed with the heavy responsibility cast upon him, or rather which he had cast upon himself. But he was quite a character, and I propose to cite one or two recollections of him. In my early days the "Temple" was illuminated within with candles, and without with some vile compound of grease and pitch that blazed forth from tin pans and diffused an odour indescrib- [94] able, but once smelt never to be forgotten. Progressing with the times, and regardless of expense, the spirited proprietor availed himself of the invention of portable gas, and on its introduction for the first time the public were apprised of the fact in the turgid language peculiar to the managers of travelling and some other theatres.

The *piece de resistance* selected for the first display of the portable gas was an ancient melodrama known as "The Warlock of the Glen."<sup>67</sup> Matthew, the Warlock of

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67 A two act drama by C E Walker B. A. written C1800, and was being performed at the Theatre Royal Covent Garden in the 1820's, and it remained popular in amateur productions into the 1890's, mainly in Scotland. Who 'C E Walker' was is something of a mystery. When his *The Briton Chief* was printed and performed [at the Theatre Royal, Drury Lane] in 1929 Walker was referred to as 'a young man'. He would almost certainly be in his late forties early fifties

the Glen, is a recluse, and a most mysterious personage. He commands the elements and performs other miraculous feats; he appears on most unlikely but critical occasions, and in sepulchral tones announces "This is I Matthew, the Warlock of the Glen." Well, it so happened that the gas did not quite fulfil the expectations that the proprietor and through him the public had been lead to entertain of its illuminating power. It refused to shed even a dim religious light, and in fact was barely sufficient to do more than render darkness visible. In this strait, however, the Warlock of the Glen played with his accustomed power, but when not engaged upon the stage he would dart underneath and try to bring the portable gas to a sense of duty. But this occupation rather disturbed the other actors and excited [96] the risibilities of the audience; for the enraged manager vented curses both loud and deep on the refractory gas. As he perspired at his work, he poured forth such a copious shower of epithets that you were astonished to see him the moment he heard his cue approaching desist from his occupation as a portable gas doctor, and appear again upon the stage with unruffled solemnity as "Matthew, the Warlock of the Glen." Sometimes the worthy man's temper was sorely tried by young rascals who managed to climb up on the tarpaulin that formed the roof. Their object was not to "peep through the blanket of the dark, to cry 'Hold, hold!' " but to pass offensive criticisms on the actors beneath. On one of these occasions the manager stopped in the midst of an impassioned speech that was being torn "to tatters, to very rags," and thus addressed his unbidden and unwelcome audience above, "If you little devils don't come down from there, so help me I'll come out with the whip." Then there was a loud shout of derisive laughter from without, and the imps vanished.

"The Temple of Thespis" was not rich in properties. The spectator had to draw largely on his imagination to supply the requisites for some scenes, and in others where an attempt was made to [96] aid the senses the result was often ludicrous. For instance, a distressed damsel would come on in a woodland scene and express an intention to recline herself on "this mossy bank." Now "this mossy bank" was a large wooden chest, probably used as the wardrobe, and which there was not the slightest effort made at disguising. A lurcher dog, attached to the establishment, and whose occupation seemed to be that wardrobe keeper, would make his appearance on the stage, as if doubtful whether it was proper to transform his charge into a "mossy bank," and would be called off with some expressions reflecting on his sagacity.

Sometimes the patrons of the "Temple" treated the performers, and the closing entertainments were not always marked by sobriety. On one occasion, while the manager was on the stage, he observed a large can being furtively introduced, and about to be conveyed behind the scenes. He at once threw off his part, and shouted, "I'll have no more of that beer in to-night. Here's the Columbine beastly drunk now." And judging from appearances he spoke the truth.

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at the time.

A good joke was told me by the lessee of one of the best theatres out of London. He paid, a visit, for the sake of amusement to the "Temple of [97] Thespis," but was surprised to find that he had been recognised, for, on quitting the theatre, the lady who presided at the treasury offered to return the price of his admission, observing, with great dignity, "We never charge brother professionals."

No piece was tolerated without one or more ghosts or terrific combats. Of the spectres it is sufficient to say that they were most substantial, and provoked mirth instead of awe. The broadsword encounters were, however, grand affairs. Before the hero drew his brand and prepared to dare the "minion" of the drama to mortal conflict, he would come down to the footlights, and audibly instruct the leader of the band to "get ready for a good crash." Then the combat commenced, the performers endeavouring at first to keep time with the music. Anon the pace became fast and furious vice seemed about to be triumphant, but at last the "grand crash" came, and the villain was despatched.

The body clerk of one of our most eminent judges (now no more) informed me that he made it a practice to visit the "Temple of Thespis" every evening during his stay at Taunton, as he observed (in the vein of reviewing officers who sometimes cajole volunteers by stating that they have never witnessed the evolutions executed in such a manner by regular [98] troops) that he could find nothing to equal the performances at any theatre in London.

Where is now the "Temple of Thespis"? Is it numbered with the things that were, or is it still one of the institutions of the West country? If it no longer exists, I lament the fact; but if still flourishing I trust another opportunity may be thrown in my way to revisit its shrine, and compare notes of things as they are and things as they were a quarter of a century ago.

## THE ROAD MURDER.

NEVER, perhaps, was a more universal, profound, and prolonged sensation created than by the "Great Crime of 1860," or, as it was more popularly known, the "Road Murder."

On the night of the 29th of June, 1860, Francis Saville Kent,<sup>68</sup> son of Mr. Samuel Saville Kent,<sup>69</sup> Government Inspector of Factories, by his second wife, was taken sleeping from his cot and cruelly murdered.

The scene of the murder was Road-hill house, a family mansion situate on the extreme confine of Wiltshire. The investigation of the matter was therefore at first entrusted to the police of that county, but the force of the adjoining county of Somerset were also called on to assist. From an inspection of the premises, which was made soon after the discovery of the murder, it was rendered almost certain that the perpetrator was an inmate of Road-hill house. With the exception of Mr. Kent there was no other male resident. The other members of the family were Miss Kent, Miss Mary Ann Harris Kent, Miss Elizabeth Kent, Miss Constance Kent, and Master William Kent, children by the first wife, and three children — "one boy and two girls" by the second Mrs. Kent, the eldest of whom was the murdered child, who was only four years old. There were also three female domestics — Elizabeth Gough, the nursemaid, in whose room the murdered child slept: Sarah Cox, housemaid; and Sarah Kerslake, cook. The two elder Miss Kents slept in the same room; Constance and William Kent occupied separate apartments; Gough, the nursemaid, in addition to the cot in which the murdered boy slept, had another infant in the same room with her; and the cook and housemaid slept together.

It is to be observed that on the alarm being given by Elizabeth Gough that the child was missing, and finding that it had not been taken out of the cot by Mrs. Kent into her own room, as had sometimes previously happened, the nursemaid proceeded to make inquiries of the elder Misses Kent, whom she found in bed. Having ascertained that the child was not with them, she went to the apartment of Constance Kent, and found her dressed and listening at the door of her bedroom.

In crimes surrounded by the mystery in which [101] this case was involved. it is too

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68 Births Sep 1856 Kent Francis Savill Westbury 5a p130 Deaths Sep 1860 Kent Francis Savill Westbury 5a p69

69 Ch. London 28 Jul 1800. Deaths Mar 1872 KENT Samuel Savill Age 71 Ruthin 11b p243

frequently the case that the local police frame some theory of their own, which they pursue with unremitting assiduity, and in the pursuit of which they cast aside as worthless all evidence which does not support or strengthen the view which they have adopted. It is to be feared that in this instance the Wiltshire police started on a false scent, and that to their want of sagacity and ill-judged reticence the case occupied the public attention more or less for a period of five years, up to the closing scene on Friday, the 21st of July, 1865. The idea of the Wiltshire police evidently was that there had been an illicit intercourse between Mr. Kent and Elizabeth Gough, and that in some way or other this had led to the murder of the child. This idea turned out to be thoroughly groundless.

An inquest was held on Monday, the 2nd of July,<sup>70</sup> which was rather a hurried proceeding, and at which a verdict of "Wilful murder against some person or persons unknown" was returned. It is a remarkable circumstance that at this inquest the police gave no evidence of a fact, the importance of which could hardly have been overlooked at that time had it not been that it possessed no significance in connexion with the Wilts police view of the matter. In [102] searching the house on Saturday, the 30th of June, the day on which the murder was discovered, the shift or night-dress of a female saturated with blood, was found secreted in the flue of a boiler. The superintendent who had charge of the case took upon himself to pronounce that the stains were produced by natural causes, and he neglected to communicate the finding of the garment either to the coroner and jury, the magistrates, or Inspector Whicher, the London detective who was subsequently engaged in the investigation!

The linen of all the inmates of the house was searched on Saturday, the morning of the murder; the night-dress produced by Constance Kent was observed by the surgeon to be very clean, as though it had only been worn for one night, or portion of a night, instead of for a whole week; but the police attached no importance to this fact at the time. On the following Monday, while the inquest was being held, the clothes were being got ready for the laundress. Previously to the murder, Constance Kent was in possession of three night-dresses. Of these only two were produced after the murder. It seems to have been a custom of the family that the household should collect the dirty linen on every Monday morning, in a lumber-room on the first floor, in the presence of Miss [103] Kent, who took an account of it in a book. On Monday morning, July 2nd, the housemaid found a night-dress of Constance Kent thrown out upon the landing as usual. She put it into a basket with the rest, and after she had done so, and Miss Kent had entered it on the list, Constance Kent came to the door of the lumber-room, before the packing of the basket was quite finished, and asked the housemaid to look into her slip-pocket to see if she had left her purse there. The servant looked for the purse without success. Constance then asked her to go down

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<sup>70</sup> At the Temperance Hall, Road. The Coroner was the remarkable George Sylvester who was described at various times as the oldest coroner [he was coroner for 34 years], and oldest practicing doctor, in England. He died on 26 Dec 1888 within three months of his 100<sup>th</sup> birthday; he was born 10 Mar 1788. Members of the family continued as Wiltshire coroners well in to the 20<sup>th</sup> Century. [Deaths Dec 1887 Sylvester George Age 99 Melksham 5a p75.]

and get her a glass of water. She did so, Constance following her to the top of the back stairs as she went out of the room. When she returned, Constance was there, drank the water, and went up the back stairs into her own room on the second floor, in which apartment she had water for her use. On the following (Tuesday) evening the housemaid received a message from the daughter of the washer- woman that there were three night-dresses entered in the book, that only two were found in the basket when it reached her house, and that the missing one was Constance Kent's!

Notwithstanding these circumstances, which seemed to point quite in another direction, Elizabeth Gough, the nursemaid, was taken into custody, [104] and, after being detained by the Wiltshire authorities for some days, was discharged on the 16th of July. On that day Inspector Whicher, an experienced officer of the detective department of the metropolitan police, arrived at Trowbridge, charged by the Home Secretary to prosecute the investigation, and a reward of f £200 — £100 by Government and £100 by Mr. Kent — was offered for the apprehension and conviction of the murderer.

Inspector Whicher prosecuted his inquiries with great assiduity, and the result of them was that on the following Friday, the 20th of July, he apprehended Constance Kent, and charged her with the murder. Sufficient evidence was adduced to warrant her remand for a week, and on the 27th, Mr. Edlin, barrister, of the Western Circuit, appeared on behalf of the accused. The inspector laboured under the disadvantage of having no legal gentleman to conduct his case; and the acumen of the learned counsel who had been retained for the defence shut out a good deal of evidence which might have been made available if tendered in legal shape. The result was that Constance Kent was discharged, but was held to bail to answer any charge that might be subsequently preferred against her. On the day following her discharge, Mrs. Kent, the mother of the murdered [105] boy, and step-mother of the accused, gave birth to another child.

It may be here stated that on searching the premises after the discovery of the murder, some pieces of *The Times* newspaper, in which a bloody weapon had evidently recently been wiped, were found. The researches of the police enabled them to state that none of the knives in the house had been used for the commission of the crime; but their investigation apparently did not extend to the razors of Mr. Kent, with one of which, according to the statement subsequently made by Constance Kent, she took the life of her brother. Mr. Kent also appeared to have taken in *The Times* regularly.

After the discharge of Constance Kent, the murder still occupied the public mind; and, as is not unusual in such cases, in the month of August a man named Gagg gave himself up at the Wolverton station as the murderer. He was conveyed to Trowbridge, but his story turned out to be one made under the influence of an imagination disordered by drink, and he was set at liberty.

The excitement caused by this terrible event was, however, far from subsiding; and in the month of September memorialists to the Home Secretary, praying for a special commission to inquire into the circumstances of the murder, were got up and extensively signed in numerous places in the locality. In an evil hour, Sir George Grey complied with the prayer of the memorialists, but in a manner unknown in the annals of criminal jurisprudence. The late Mr. Slack, an eminent solicitor of Bath, was entrusted with the conduct of a private investigation, and examined the inmates of Road-hill house and other witnesses in reference to the matter. Among the persons so examined was Constance Kent, who, it was stated at the time, was questioned for several hours, and bore the investigation with great self-possession and fortitude.

The result of this quasi Star-Chamber commission was that on the 27th of September a warrant was issued for the apprehension of Elizabeth Gough, the nursemaid, who was taken into custody at the residence of her uncle, at Islesworth, and on the 1st of October was charged before a bench of Wiltshire magistrates with the murder of Francis Saville Kent. The present Recorder of Bath (Mr. T. W. Saunders)<sup>71</sup> appeared in support of the charge; Mr. Ribton,<sup>72</sup> of the Home Circuit, was retained for the accused; and Mr. Edlin,<sup>73</sup> of the Western Circuit, Watched the case on behalf of Mr. Kent and his family. After the secret inquiry conducted by Mr. [107] Slack,<sup>74</sup> by whom Mr. Saunders was instructed, it was not surprising that sufficient materials had been accumulated to protract the proceedings over three days; but if the evidence adduced in the first place by Inspector Whicher against Constance Kent was insufficient to warrant a committal, that produced in support of the charge against Elizabeth Gough, though more voluminous, was still weaker, and in the result she also was liberated on entering into moderate sureties for her appearance again if called upon. The ordeal to which the character of Elizabeth Gough was subjected during the sitting of the secret tribunal was of the most searching kind, and it is only an act of justice to her to state that she came out of it with a reputation thoroughly unsullied.

It should be mentioned in reference to this extraordinary inquiry that Mr. T. W. Saunders (following the bad example as an advocate set by Mr. Serjeant Shee in the Palmer poisoning case) took upon himself to state with reference to Constance Kent, that, having investigated carefully every fact, even of the minutest character in the case, he had come to the conclusion that every other person had come to who had carefully examined the facts that there was not the slightest shadow of a [108] pretence for saying that the young lady had the faintest participation in the odious

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71 Sometime Metropolitan Magistrate. Called 1837. d. 30 Apr 1890 Bournemouth *Times* obit 3 Mar 1890. Deaths Mar 1890 Saunders Thomas William Age 76 Christchurch 2b 491.

72 William Ribton b. Ireland 1816 Said to have d. 13, Portsea-place, Connaught-square 1889 – no record.

73 See footnote below.

74 Edward Francis Hooson SLACK. Solicitor. Later Mayor of Bath – died in office 30 Nov 1867. Deaths Dec 1867 Slack Edward Francis Age 48 Bath 5c p417.



crime laid at her door. The learned counsel also expressed his opinion that there were at least two parties to the murder. Others, who had its carefully investigated every circumstance of the case as Mr. Saunders, utterly repudiated the statement which he made on their behalf as well as his own, and had arrived at a totally opposite conclusion.

After the discharge of Elizabeth Gough the Road murder for some time furnished the staple for newspaper correspondence. Some writers adopted the hypothesis that the father was the guilty party; others that it was the act of a lunatic, with speculations as to whether any member of the household was in an unsound state of mind; whilst some pronounced the act to have been the work of a somnambulist.

So matters rested till the 3rd of November, when Mr. T. B. Saunders, one of the magistrates of the Bradford division, opened an inquiry on his own account at Road, into the circumstances of this mysterious case. Unlike the investigation conducted by Mr. Slack, these proceedings took place in public; but they were rendered ludicrous by being carried on without any regard to the rules of evidence. The witnesses examined for the most part detailed [109] hearsay versions of matters connected with the murder, and made their statements without being sworn. But, farcical as this inquiry was to some — extent, it had at least the merit of bringing out the fact before adverted to of the discovery of the blood-stained night-dress on the day following the murder, and of its subsequent disappearance. At an interval — of nearly five months from the commission of the crime the public became for the first time aware of this material circumstance.

The proceedings of Mr. Saunders were repudiated by the Bradford bench; but, doubtless, they had some effect in an application which was made towards the close of the year to the Court of Queen's Bench for a writ *ad melius inquirendum*,<sup>75</sup> with a view of quashing the coroner's inquisition, and commencing the inquiry *de novo*, — an application, however, which was ultimately refused.

After this abortive attempt to reopen the investigation, the Road murder was assigned by the majority of the public to the class of undiscovered crimes. Occasionally it furnished a passing illustration for the leading article or paragraph writer; but all hope of the "Great Crime of 1860" being traced to its source was commonly abandoned.

There were, notwithstanding, those who had [110] watched the case from its commencement who believed and hoped — if not for the sake of her whom they thought guilty, yet for the sake of those whose characters they were convinced had been cruelly aspersed — that a time would come when the perpetrator of this fearful crime would no longer be able to hold the secret, and would seek relief by confession.

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75 A writ directed to a coroner commanding him to hold a second inquest.

Such a time arrived nearly five years after the commission of the murder. Constance Kent, when the notoriety of the case had died away, for reasons which were no doubt satisfactory to her father, was sent to a convent in the south of France. Thence she was removed in 1863 to a religious home called St. Mary's Hospital, at Brighton, to the lady superior and chaplain of which she confessed her guilt, and expressed her desire to give herself up to the ministers of justice. Accordingly, on the 25th of April, 1865, — the day on which the intelligence of the assassination of President Lincoln reached this country, — she surrendered herself to Sir Thomas Henry,<sup>76</sup> the chief magistrate at Bow street, and handed him a statement, not signed by her, but in her handwriting, in these terms: —

I, Constance Emilie Kent, alone and unaided, on the night of the 29th of June, 1860, murdered, at Road-hill House, Wiltshire, one Francis Saville [111] Kent. Before the deed no one knew my intention, nor after of my guilt. No one assisted me in the crime, nor in the evasion of its discovery.

Upon that she was ordered into custody, and sent down before the magistrates of Wiltshire, who took the remaining depositions, and when called on to say whether she desired to state anything in answer to the evidence, with the warning which is given pursuant to the statute, her answer was, "I wish to hand in, of my own free will, a piece of paper with the following written upon it in my own hand-writing." Then she handed in a paper containing the statement made before Sir Thomas Henry quoted above, and said, "I do not wish to add anything to the above statement."

This document she signed, "Constance Emilie Kent."

Further evidence, including that of Miss Graeme, and the Rev. A. D. Wagner,<sup>77</sup> the principals of St. Mary's Hospital,<sup>78</sup> Brighton, was taken at the time, and in the result Constance Kent was committed for trial at the ensuing Wilts assizes for the wilful murder of her brother.

A good deal of newspaper correspondence took place between the committal of the prisoner and her trial, especially on the right claimed by the Rev. A. D. Wagner not to disclose any matter confided to [113] him under the "seal of confession." The lady superior (Miss Graeme) was also very reticent on this point. From the course taken by the self-accused prisoner on her trial, the question of privilege was not raised, though it was stated that counsel had been engaged on behalf of Mr. Wagner to argue the point, should it become necessary.

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76 Died 16 Jun 1876 *Times* obit 17 Jun 1876 b. Ireland 1807 Deaths Jun 1876 Henry Thomas Age 69 St. Geo. H. Sq. 1a p229

77 And of St Paul's Brighton. Arthur Douglas Wagner b. Windsor, Berks. 1825 Deaths Mar 1902 Wagner Arthur Douglas Age 77 Brighton 2b p181 *Times* obit 15 Jan 1902

78 Miss Kent was said to be 'a probationer-nurse' at the hospital.

The closing scene in this melancholy tragedy was enacted on Friday, the 21<sup>st</sup> of July, 1865, in the small and inconvenient Crown Court of Salisbury. The officials of the county, emulating the police, blundered to the last. There were between thirty and forty reporters present from all parts of the kingdom, not from personal curiosity, but for the purpose of furnishing the public with details of the trial which had become invested with a world-wide interest. But, although the Corporation of the city had offered to erect a gallery for the accommodation of the representatives of the press, the Sheriff and his underlings were obdurate, and fourteen seats were all that they could be prevailed on to set apart. Those reporters who were not fortunate enough to obtain tickets for these reserved seats had to scramble in with the general public, and to take another lesson in the art of "reporting under difficulties."

Shortly before nine o'clock the judge (Mr. Justice [114] Willes)<sup>79</sup> took his seat upon the bench, and Constance Kent ascended the steps into the dock. She was dressed in mourning, and appeared to be attired in the same clothes which she wore when before the magistrates at Trowbridge. There was still a ruddy glow upon her cheeks, and, apart from a redness of her unusually small eyes, as if from recent emotion, she presented the appearance of a robust healthy village belle, and seemed to have been in no way affected — at least in health — by the incarceration she had undergone since giving herself up to justice. She was thoroughly self-composed, and exhibited that surprising fortitude which had characterised her demeanour throughout. On coming to the top of the stairs, Mr. Rodway,<sup>80</sup> her attorney, who was standing at the back of the dock, addressed her, and asked if she was still determined to plead guilty. She replied, "Yes," conversed with him for a few seconds, and then turned round and faced the judge. Mr. Karslake, Q.C. (now Sir J. B. Karslake),<sup>81</sup> and Mr. Lopes<sup>82</sup> were counsel for the prosecution, and Mr. Coleridge, Q.C. (now Sir J. D. Coleridge),<sup>83</sup> Mr. Edlin, and Mr. Ravenhill<sup>84</sup> were retained for the defence. The court was densely crowded, and there were present a large number of fashionably-dressed ladies.

[114]

The Clerk of Assize (Mr. Chitty),<sup>85</sup> addressing the prisoner as Constance Emilie Kent, said she was charged on an indictment with the wilful murder of Francis Saville Kent, at North Bradley, on the 30th day of June, 1860, and then put the usual question to her — What say you, are you guilty, or not guilty?"

The prisoner firmly and resolutely replied, "Guilty," in a tone that was distinctly heard

79 b. 1814 Obit: *The Graphic* Sat 9 Nov 1872. Deaths Dec 1872 WILLES James Shaw Age 58 Watford 3a p227

80 b. Gloucs 1814 Deaths Dec 1884 RODWAY Rowland Age 71 Melksham 5a p77 Lived Trowbridge.

81 d. 4 Oct 1881 *Times* Obit 6 Oct 1881 Deaths Dec 1881 Karslake John B[urgess] Age 59 St. Geo. H. Sq. 1a p256

82 Henry Charles Lopes, 1st Baron Ludlow b. 3 Oct 1828 d. 25 Dec 1899 Obit *The Morning Post* Tue 26 Dec 1899

83 d. 14 Jun 1894 Obit *The Bristol Mercury* Fri 15 Jun 1894. Deaths Jun 1894 John Duke Age 73 Paddington 1a 44

84 d. 19 Aug 1898. Small obit *The Standard* Sat 20 Aug 1898 Deaths Sep 1898 Ravenhill William Waldron Age 62 Kingston 2a p241

85 d. 4 May 1868 Deaths Jun 1868 Chitty Thomas Edward Age 41 Marylebone 1a p368 Also see: *The Hampshire Advertiser* Sat 30 May 1868

throughout the court.

The judge, addressing the prisoner, said, "Are you aware that you are charged with having wilfully, intentionally, and with malice killed your brother?"

The prisoner did not reply.

Mr. Justice Willes — "Do you plead guilty to that? (A pause.) What is your answer?"

The prisoner replied very faintly, but was understood to say, "Yes."

Mr. Justice Willes — "I must repeat you are charged with having wilfully, intentionally, and with malice killed and murdered your brother. Are you guilty or not guilty?"

Prisoner (firmly, but in a low voice), "Guilty, my lord."

His lordship having directed that the plea should be recorded.

[115]

Mr. Coleridge said — "As counsel for Constance Emilie Kent, acting in her behalf, and by her direct instructions, I desire to say two things before your lordship passes sentence. First, solemnly, and in the presence of Almighty God, as a person who values her own soul, she desires me to say that the guilt is hers alone, and that her father and others who have so long suffered most unjust and cruel suspicions are wholly and absolutely innocent. Next she desires me to say that she was not driven to this act, as has been asserted, by any unkind treatment of her mother-in-law. She met with nothing at home but tender and forbearing love; and I hope I may add, my lord, not improperly, that it gives me a melancholy pleasure to be made the organ of these statements, because, on my honour, I believe them to be true."

Mr. Justice Willes then directed that the prisoner should be called on to receive judgment.

The Clerk of the Assize — "Constance Emilie Kent, you have confessed yourself guilty of the murder of Francis Saville Kent; have you anything to say why sentence of death should not be passed upon you according to law?"

The prisoner made no reply, and the officer of the court having made the usual proclamation for [116] silence to be preserved while the extreme penalty of the law was pronounced.

Mr. Justice Willes put on the black cap, and in tones of mingled solemnity and emotion addressed the prisoner as follows: "Constance Emilie Kent, you have pleaded guilty to an indictment charging you with the wilful murder of your brother,

Francis Saville Kent, on the 30th of June, 1860. It is my duty to receive the plea which you have deliberately put forward. It is a satisfaction to know that it was not pleaded until after having had the advice of counsel, who would have freed you from this dreadful charge if you could have been freed there-from, I can entertain do doubt, after having read the evidence in the depositions, and considering that it is your third, confession of the crime, that your plea was the plea of an originally guilty person. The murder was one committed under circumstances of great deliberation and cruelty. You appear to have allowed feelings of jealousy — (Prisoner, in a low tone: "Not jealousy") — and anger to work in your breast, until at last they assumed over you the influence and power of the evil one. (Here the judge was quite overcome by emotion, and could not proceed for some few seconds. The prisoner, too, who up till this time had wept in silence, sobbed [117] aloud.) Whether Her Majesty, with whom the prerogative of mercy rests, may be advised to exercise that prerogative because of your youth — (here his lordship was again deeply affected, and could not proceed for some seconds) — at the time when the murder was committed, and because of the fact that you are convicted chiefly on your own confession, and the fact that that confession removes suspicion from others, is a question which it would be presumption in me to answer here. It well behoves you to live what is left of your life as one about to die, and to seek a more enduring mercy by sincere and deep contrition, and by reliance upon the only redemption, propitiation, and satisfaction for the sins of the whole world. It remains to me only to discharge the duty which the law imposes, and that is to pass upon you the sentence which the law adjudges to wilful murder. The sentence of the Court therefore is, that you be taken from the place where you now stand to the place whence you came, and thence to the place of execution; that you be there hanged by the neck until your body be dead; and that after death your body be buried within the precincts of the gaol in which you shall have last been confined. And may the Lord have mercy on your soul!"

[118]

The prisoner, who seemed to have recovered her fortitude, walked out of the dock with a firm step, and was then conveyed back to prison. The proceedings altogether did not occupy ten minutes, and the crowd outside, as parties left the court, seemed perfectly astonished to find that the case was concluded, and, notwithstanding the repeated assertions of those who were leaving, pushed forward to satisfy themselves that such was really the fact.

The prisoner, on being removed from the gaol, wept for some hours, but in the afternoon she regained her composure, and appeared quite resigned. She also seemed to have a melancholy satisfaction of having done justice to persons who had long been maligned, and stated that she had done what was right and what her conscience approved. In the course of the day the Rev. A. D. Wagner and Miss Graeme were admitted into the gaol and had an interview with the convict, but of course no particulars were allowed to transpire. Mr. Wagner and Miss Graeme were escorted to and from the court in the morning, by a policeman, and they were followed by a large

crowd to their lodgings in the Close.

Such was the termination of a case which, for a time, for intense interest and mystery was unparalleled. Did the interest cease, and was the mystery [119] completely dispelled by the brief trial in the Crown Court of Salisbury? As far as I am able to judge this was the case, and the confession of Constance Kent that the crime was perpetrated by her "alone and unaided," was "the truth, the whole truth, and nothing but the truth."

The life of the prisoner was not forfeited. It will have been seen that the presiding judge, in passing sentence, alluded to the youth of the prisoner at the time when the murder was committed, and to the facts that she was convicted chiefly on her own confession, and that that confession removed unjust suspicion from others, as circumstances which might possibly be brought under the consideration of Her Majesty, with a view to the exercise of the royal prerogative of mercy.

Stronger than all these matters glanced at by Mr. Justice Willes was the mental organization of Constance Kent. Her mother for many years prior to her death was of unsound mind; her maternal grandmother was insane; and a maternal uncle had been twice confined in a lunatic asylum. Then, again, the act itself spoke most strongly, and showed almost to demonstration that it must have been committed in one of those paroxysms of insanity, the culminating point of which is homicide. These [120] points having been duly weighed by the Home Secretary of the day, the capital sentence was remitted, and the prisoner was ordered to be detained during Her Majesty's pleasure.

Constance Kent was at first sent for a short time to Millbank; thence she was removed to the female convict prison at Brixton, formerly the Surrey house of correction, where she remained until about two years since, when that establishment was abolished, and she, with the other female convicts, was removed to the new prison at Woking, Surrey, of which she is an inmate at the present time.<sup>86</sup>

I am unable to give any particulars of her demeanour since her conviction; but as her confession was undoubtedly brought about by religious influences, I trust those influences still animate her, and that she may "in trembling hope repose " in the belief that even such a crime as hers may find forgiveness at the throne of Mercy.

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<sup>86</sup> She was later released from prison and joined her brother in Australia. She died in April 1944, aged 100 – as Emilie Kaye.

## COMPOSITORS' BLUNDERS

THE uninitiated readers of newspapers are often "surprised to find" some typographical error that has been allowed to pass. Their wonder would cease if they were favoured with a sight of the "first proofs," or even of subsequent "revises."

A few specimens of copy, as originally set up by compositors, may prove amusing.

Shortly after the first general election, consequent on the passing of the Reform Bill of 1832, Daniel O'Connell paid a visit to Bath, and addressed the body then known as the political Union. In the course of his speech he said, "Irishmen are not hypocrites;" in the first proof the sentence was rendered, "Fortune is not thy parents." Referring to some of the new members who had been returned to Parliament, — among them Mr. Roebuck,<sup>87</sup> who first took his seat as member for Bath, — the great Agitator declared that when he saw such men in the House of Commons he had no fear for his country. For [122] "House of Commons," the compositor read, "Ruins of Currants!" This ingenious artisan afterwards emigrated, and is now, I am told, the proprietor of a large printing establishment in the United States.

It may be thought that this is going a long way back for a specimen; and that the march of intellect has rendered such blunders less gross, and of less frequent occurrence. Here is a sample of a more recent date. In Forster's *Life of Charles Dickens*,<sup>88</sup> it is stated that the birthplace of "Little Nell" was I at Walter Savage Landor's house in Bath. A paragraph containing a notice of this interesting fact, with a few other particulars from the biography, was supplied to a provincial paper in fairly legible manuscript. Within about a dozen lines the following mistakes (to use a, mild term) were made: — For "Curiosity Shop," the compositor had "Country Shop; " Mr. Forster was made to speak of Dickens as the "orator" of the character of "Little Nell," instead of the "creator;" and "Walter Savage Landor " was transformed into "William Savage, London."

"Macbeth" was produced at the Bristol Theatre with all the alterations and improvements that had been introduced at the Princess's by Mr. Charles Kean, Some of these alterations affected the [123] appearance of Banquo after his murder. I saw

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87 John Arthur Roebuck b. India 28 Dec 1802 d. 30 Nov 1879 [Deaths Dec 1879 Roebuck John Arthur Age 77 St. Geo. H. Sq. 1a p333]. Called to the bar 1843. Long obit: *The Standard* Mon 1 Dec 1879.

88 John Forster b. 1812 d. 1876 Long obit: *Daily News* Wed 2 Feb 1876

the first proof of a rather lengthy notice of the performance, and in every instance in which the critic had referred to Banquo, the compositor had substituted the word "banjo."

In a portion of a condensed report of the interminable Tichborne trial, the Attorney-General (Sir J. D. Coleridge) in the course of his speech for the defence said, "The claimant was well known in Australia as Orton, long before Roger Tichborne left Rio." The compositor rendered the passage thus: — "The claimant was well known in Australia as Orton Long before Roger Tichborne left Rio."

While these sketches have been passing through the press, I have met with one or two strange alterations from the original MS. In the paper entitled "An Extra-judicial Inquiry," there was a passage commencing "It so happened at this time that one of the employés in a Bristol newspaper office lived at Dundry." When the article first came under my eye in print this sentence stood thus — "It so happened at this time that one of the employer's in a Bristol newspaper office lived at Dundry."

The distribution of type by a careless compositor invariably produces a "foul proof," and the pressure for time incidental to the receipt of late telegrams [124] and news which cannot be "crowded out," often tends to allow some typographical errors in the proof to baffle the lynx eyes even of a practised reader. Hence the substitution of a consonant for a vowel may at times be productive of the most ludicrous results, as was the case not long since in a newspaper, where the following sentence occurred in one of the reports under the heading of "Corn and Produce Markets:" — "rats, the show of which was moderate, are in fair request, at last week's prices." The word "rats" was only a misprint for that of "oats."

The sense of a sentence may also be materially altered by the leaving out or breaking off of a letter, as may be seen in the following advertisement of a railway company of some unclaimed goods, in which the letter "l" dropped from the word "lawful," and it read thus — "People to whom these packages are directed are requested to come forward and pay the awful charges on the same." Another instance of an equally amusing character may be quoted, in which a paragraph in reference to a thunderstorm that had taken place described the hailstones as being as big as "pullets," instead of "bullets."

In the proof of a report of the annual meeting of a missionary society which recently came under [125] my notice, a very egregious mistake was made by the compositor, either in consequence of the hastily and badly written copy supplied by the reporter, or, as I am more inclined to think, from the inattention of the compositor to his copy, and the want of a little common sense on his part. The chairman, in advocating the claims of the society upon the public generally and more particularly upon those present, stated that the various agencies made use of by the society of which he was



speaking tended in a marked and most successful manner to extend the kingdom of Jesus. For the word "Jesus" the compositor substituted "Jews," thereby entirely altering the sense of the chairman's speech; an alteration which if it had evaded the notice of the reader, and had appeared in print, would have been regarded as something approaching very nearly to profanity.

Without vouching for the following, it is a fair illustration of blunders sometimes made by the over-clever compositor. The copy of debates in Parliament is marked by each reporter, who at the end of his manuscript states the name of his successor. There were two reporters in the gallery, one named Fleming, the other Fitzgerald. At the end of some of Fleming's copy, he indicated his successor in this abbreviated form — "Fitz. follows Flem." The [126] compositor incorporated it as part of the speech, altered thus — "Fits follow phlegm," and then added "loud cheers" to make his line out.

"I hate cant," said Mr. Roebuck in one of his speeches to his Bath constituents. The compositor to whose lot this portion of the speech fell, made the hon. member exclaim, "I hate rant." In this instance, however, there was reason to believe that the compositor erred designedly and not by accident.

Sometimes errors of this description pass, and are amusing in their way. I saw an announcement recently in an advertisement of the sale by auction of a gentleman's furniture and effects, that at other things to be offered for competition was "a fine proof engraving of Sir Noel Paton's celebrated picture '*Mrs. Janua Vitæ.*' " In the book of words of a concert "The Death of Nelson" was among the songs, and one of the stanzas was printed follows:

"At length the fatal round  
That spread dismay around  
Our hero's breast revived."

A counsel in the course of his defence of a prisoner, was made to declare that one of the witnesses for the prosecution, whose testimony he impeached, had "perfumed" himself in the box.

[127]

Comparatively few blunders, however, escape detection, and when they are permitted to pass in newspapers, the chances are that owing to pressure the proofs have not — come under the notice of the regular reader.

Reporters' blunders are sometimes even more ridiculous. I remember seeing the copy of a report of a meeting of the Foreign Aid Society, in which several of the speakers had dilated on the advantages which had resulted from the employment of the agency of colporteurs in disposing of tracts and portions of the Scriptures in various parts of the Continent where the operations of the Society were carried on. But the reporter,

whose acquaintance with any other language than his own was extremely limited, had in every instance substituted "coal porters" for the word "colporteurs;" and had not the reader been a little more intelligent than the reporter, the "coal porters " would have appeared in print.

There is a tradition that a gentleman who had obtained his first sessional engagement had to take part of a speech of the late Sir Robert Peel, in the course of which he said, "Rebellion has again raised her bloody hand in Ireland." The sensitive stenographer, in transcribing his notes, rendered the [128] passage, "Rebellion has again raised her b—y hand in Ireland." The proof happened to come under the notice of the editor, who sent for the reporter and asked for an explanation.

"Sir," said the reporter, "I thought you would not like such an expression to appear in full in the columns of your paper."

"Man," retorted the editor, "don't you see it is a mere figure of speech, as for instance if I say you are a — fool."

The astonished reporter left the editor's sanctum, and it is said that at the end of the session his services were dispensed with.

## A MINIATURE TICHBORNE CASE.

AT the Gloucester summer assize for 1853, an action of ejectment was brought to receiver possession of certain estates,<sup>89</sup> formerly the property of Sir Hugh Smyth,<sup>90</sup> Bart., of Ashton Court, near Bristol.

The plaintiff claimed to be the son and heir of Sir Hugh Smyth, who died in the year 1824. Sir Hugh was known to have been twice married, but had no issue by either marriage. The plaintiff, however, represented himself to be the son of Sir Hugh Smyth by a third and previous marriage, alleged to have taken place in Ireland, with Jane, daughter of Count Vandenbergh. in the year 1796. The plaintiff was stated to have been born at Warminster, in the county of Wilts, and his mother having died in childbirth, he was brought up by a woman named Lydia Reid. His birth for some reason having been kept secret, he went abroad, and, on his return to this country, he was not made acquainted with his pedigree till within a short time of his setting up the [130] claim to the Ashton property, when, by the discovery of certain documents, he came to the knowledge that he was entitled to the baronetcy and estates, which were variously estimated to be worth from £30,000 to £35,000 a year. The nominal defendants in the case were the guardians of the present Sir J. Greville Smyth.<sup>91</sup>

The romantic nature of the plaintiff's claim, and the rumour that it would be supported by forged documents and perjury, added to the large amount of property at stake, caused the trial to be looked forward to with the utmost interest.

In the first instance Sir Fitzroy Kelly,<sup>92</sup> the present Chief Baron of the Exchequer, and Keating, Q.C., now Mr. Justice Keating,<sup>93</sup> were retained for the plaintiff, but neither of these learned gentlemen appeared. The action was originally intended to be tried on the Western Circuit, but this intention was altered, and on the 8th of August, 1853, the case was set down for trial at Gloucester, before Mr. Justice Coleridge,<sup>94</sup> the father

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<sup>89</sup> *Smyth v Smyth & Others* See: *The Morning Chronicle* Thu 11 Aug 1853

<sup>90</sup> Sir Hugh Upton Smyth b.1772 buried 13 Feb 1824.

<sup>91</sup> Sir John Henry Greville Smyth, 1st Baronet b. 1836 d. 1901 funeral 5 Oct. There appears to be no BMD return.

<sup>92</sup> Sir Fitzroy Edward Kelly b. 9 Oct 1796 d. 18 Sep 1880 Deaths Sep 1880 KELLY Fitzroy Edward Age 83  
Brighton 2b p174. Obit: *The Times* Mon 20 Sep 1880

<sup>93</sup> Deaths Dec 1888 Keating Henry Singer Age 84 Hastings 2b p17. Died 1 Oct. Sometime MP for Reading. Left £84,000+, see: *The Leeds Mercury* Fri 39 Nov 1888.

<sup>94</sup> Sir John Taylor Coleridge 9 Jul 1790 d. 11 Feb 1876 Deaths Mar 1876 COLERIDGE John Taylor Age 85

of the present Attorney-General, and a special jury.

For the plaintiff there appeared Mr. Bovill,<sup>95</sup> the present Chief Justice of the Court of Common Pleas, Mr. Dowdeswell,<sup>96</sup> and Mr. Phipson,<sup>97</sup> and for the defendant, Sir F. Thesiger (now Lord Chelmsford),<sup>98</sup> [131] Mr. Crowder, Q.C. (afterwards Mr. Justice Crowder), Mr. Alexander, Q.C, Mr. Taprell, and Mr. Gray, the present Solicitor to the Treasury.

There were many points of similarity between this case and that of the claimant to the Tichborne estates. Mr. Serjeant Ballantine,<sup>99</sup> in conducting the case of the claimant to the Tichborne property, appears to have adopted as his model the course taken by Mr. Bovill in support of his client in the action *Smyth v. Smyth* and others. For as in the case of *Tichborne v. Lushington*, so here a number of witnesses were first of all called, including some ladies and gentlemen of high degree, to support the case of the plaintiff, and it was not until the second day of the trial that the plaintiff himself was put into the box. The claimant in the *Smyth* case like his subsequent imitator, was proved to have been guilty of horse stealing; his orthography was equally defective, as he wrote "raskel" for "rascal," "rappid," with two p's, for "rapid," "asside" for "aside," "whome" for "whom," "relattion," with two t's, and numerous other similar blunders. In his ignorance he misquoted or misstated the Latin motto of the family to whose estates he laid claim, substituting "Qui capit capitor" for "Qui capit capitur."<sup>100</sup> Then again he [133] was identified as Thomas Provis (who had been sentenced to death for stealing a gelding, but whose sentence was commuted to eighteen months' imprisonment in consideration of his youth) by some marks of evil on his neck and on his right hand. The marks on the hand, which could not be concealed in his examination in chief, he unblushingly stated had been inflicted in childbirth, and he represented them in one of the deeds that he forged as being indelible marks of identity in the *Smyth* family. Mr. Provis, according to his own account, had been nearly shipwrecked, and though his story was not so marvellous as that of the loss of the *Bella*, as given by the Tichborne claimant, it still had some resemblance to that famous romance. Mr. Provis swore that when on board a Leith smack he was blown out to sea, and his luggage, among which were proofs that would have rendered his identity as the son of Sir Hugh Smyth unquestionable, had to be cast overboard, with that of the other passengers on board, to lighten the craft.

Like the huge claimant in the Tichborne case, Mr. Provis chafed under cross-

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Honiton 5b p21.

95 d. 1 Nov 1873 Deaths Dec 1873 Bovill William Age 59 Kingston 2a p154 *Times* obit Mon 3 Nov 1873

96 George Morley Dowdeswell d. 2 Dec 1893 Deaths Dec 1893 Dowdeswell George Morley Age 84 Midhurst 2b p259 Obit: *The Morning Post* Mon 4 Dec 1893

97 Who has found to be untraceable but may have been the father of Edmund Phipson Beale [b. 1872 d. 1952] barrister.

98 Frederic Thesiger, 1st Baron Chelmsford b. 25 Apr 1794 d. 5 Oct 1878 Deaths Dec 1878 THESIGER Frederick Age 84 St. Geo. H. Sq. 1a p276. Obit *The Times*, Mon 7 Oct 1878.

99 b. 3 Jan 1812 d. Margate 9 Jan 1887 Deaths Mar 1887 Ballantine William Age 75 Thanet 2a p550 Obit *The Times* Mon 10 Jan 1887

100 *He who takes is taken*

examination, as he felt the blows of Sir Frederick Thesiger telling rapidly against him. In reply to an early question he answered, "To speak the truth, I think your question [138] — irrelevant and improper." Soon afterwards, on being pressed and asked how often he saw Sir John or Sir Hugh Smyth, he said, in a passion, "Don't bother me, sir, I can't say whether it was Sir John or Sir Hugh." Being further pressed he said, "I can't explain what I mean, I don't know what I mean on this subject," and as the cross-examination still went on, and hope gradually disappeared, he seemed very much perplexed, and said it was all very disgusting. The Tichborne claimant was undoubtedly recognised by the Dowager Lady Tichborne as her son; Mr. Provis also manufactured a kind of recognition, for in the course of his story, he told how he appeared one afternoon suddenly, and for the first time before Sir John Smyth, told him his tale, and altogether, crushed him with it, so much so indeed, that Sir John died the next morning. "Thereupon," Mr. Provis stated, "he made use of this remarkable expression, my lord, — one he was always accustomed to — " 'You are indeed the son of my dear brother;' " One he was always accustomed to! and yet, according to his own statement. Sir John had seen the claimant for the first time over night and died the next morning. The cross-examination was skilfully and mercilessly pursued, but the culminating point of the case, and its utter collapse, was brought about [134] in a singular way. The plaintiff was forced, after denial, to confess that he had procured an engraving of the Smyth seal, and he said it was engraved through rubbing wax upon a parchment deed which he received on the 17th of March. He was then shown a letter written by him on the 13th. of March, sealed with that seal, and asked for an explanation. He turned pale, admitted that he was unable to explain, was too confused, and requested to be permitted to retire for a few moments. At that juncture there was brought into court a telegraphic message from a London jeweller, who, having read the report of the previous day's proceedings in *The Times* of that morning, recognised as his own workmanship, some trinkets introduced under the character of old family jewelry as important links in the plaintiff's story. The telegram illuminated the whole case at once with electric light. "Ask the plaintiff," said the jeweller, in his message, "whether he did not on the 19th of January, apply to a person at 361, Oxford-street, to engrave the ring with the Bandon crest, and the brooch with the words Jane Gookin." " Sir Frederick Thesiger read the question literally from the telegram; the impostor collapsed, he gave up the struggle, and startled everyone in court by answering "I did." Shortly afterwards Mr. Bovill [135] rose, and said that after the most appalling exhibition which had just been witnessed, he and his brethren would not continue the contest any longer.

The plaintiff was at once ordered into custody on a charge of forgery and perjury; a verdict for the defendants was returned as a matter of course; and on the following day Smyth, *alias* Provis, was committed for trial at the ensuing assizes.

The trial of Sir Richard Hugh Smyth, *alias* Thomas Provis, on the criminal charge,

came on at Gloucester, on Thursday, the 6th of April, 1854,<sup>101</sup> before Mr. Russell Gurney,<sup>102</sup> the present Recorder of London, who on that occasion went the Oxford Circuit in consequence of the illness of one of the judges. The case lasted the whole of Thursday and the following day (Friday), when the court was crowded to suffocation. The charges against the prisoner were that he had feloniously forged a codicil to the will of the late Sir Hugh Smyth, Bart, with intent to defraud, and that he had uttered the said forgery. There was another indictment for perjury committed on the trial of *Smyth v. Smyth* at the previous Gloucestershire assizes. The forgery charge was first gone into.

Mr. Alexander, Q.C., Mr. Gray, and Mr. Skinner prosecuted. The prisoner had retained [136] Mr. Jelinger Symons<sup>103</sup> to defend him, but that learned counsel had thrown up his brief, and the prisoner complained to the court of this treatment, saying he must now trust entirely to his God, and the judge and jury.

The evidence adduced on behalf of the prosecution was a repetition of the facts by which Sir Frederick Thesiger so completely demolished the case of the prisoner when he appeared in the character of plaintiff in the civil action. The interest, however, of the former trial was wanting upon this occasion, for such proceedings led to the foregone conclusion of the prisoner's guilt. Provis's courage, or his desperation, hardly ever failed him, and he suffered scarcely any witness to escape without cross-examination. Mr. Way, who had charge of the Smyth estates during the minority of the present baronet, came in for a full share of impertinence. Provis asked some irrelevant question, and Mr. Way made no sign of satisfying the curiosity of the prisoner, when he shouted to him "Don't hesitate, sir, answer the question like a man." When Mr. Way declined acknowledging the relationship of the prisoner with the Smyth family, Provis interrupted him with, "Allow me to know my family better than you do, sir "; and when he inquired whether [137] his supposed father Sir Hugh was not a very good-looking man, and got an affirmative answer, he caused immense laughter, which disturbed even the gravity of the judge, by smoothing down his sunken cheeks, and saying, "I am not a bad looking man, I think."

Mr. Cocks,<sup>104</sup> the London jeweller, who gave most damaging evidence, did not escape the ordeal to which the preceding witnesses had been subjected, but he stood the trial with a nerve before which even the prisoner quailed, and at last instead of directing his questions to the witness, Provis contented himself by extending his arms to the jury, and exclaiming, in a contemptuous tone, "You hear what he says."

A sister of the prisoner was called to identify him as Tom Provis, the condemned

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<sup>101</sup>See: *The Bristol Mercury* Sat 8 Apr 1854

<sup>102</sup>d. 31 May 1878 Deaths Jun 1878 GURNEY Russell Age 74 Kensington1a p45.

<sup>103</sup>b. 27 Aug 1809 d. 7 April 1860 Deaths Jun 1860 SYMONS Jelinger Cookson Upton 6c p163. Later H M Inspector of Schools.

<sup>104</sup> Robert Cocks who had premises at 361 Oxford St [as above].

horse-stealer, and having given her evidence in chief, was cross-examined.

"Do you mean to say I am your brother?" asked the prisoner.

"Yes, I do, Thomas," answered the witness.

"Had your brother Thomas ever anything like this?" asked Provis, at the same time, amidst shouts of laughter, producing from the back of his coat a long queue or pigtail, which he had assiduously cultivated in imitation of some of the members of the [188] Smyth family.

"No, Thomas," replied his sister, "when you were at home with us you never had anything like that."

Mr. Herapath, the celebrated Bristol analytical chemist, was called on behalf of the prosecution, to prove that the ink with which some deeds had been written was of a more recent manufacture than the date which the deeds purported to bear. To him the prisoner turned, and commenced his cross-examination thus: —

"You are a magistrate of the city of Bristol, Mr. Herapath?"

Mr. Herapath replied, "Yes, the senior magistrate."

"Oh, the senior magistrate are you," said Provis, "then be good enough to tell the jury how long ago it is since you were fined for assaulting a woman."

Mr. Herapath appealed to the judge as to whether such a line of cross-examination was relevant, and was told by his lordship that he must answer the question, as he supposed it was put with the view of shaking his credibility with the jury.

"You hear what the judge says," triumphantly exclaimed Provis, "tell the jury how long ago it is [139] since you were fined £5 for assaulting a woman."

Mr. Herapath stated that an action had been brought against him in the Bristol County Court, in which a verdict had been recovered against him, under the circumstances which he was about to explain, when he was repressed by the judge, who ruled that the matter was irrelevant to the present inquiry.

Throughout the whole of the proceedings Provis had an eye to business. He made innumerable references to his public life, and sought to force it upon Mr. Russell Gurney. The learned judge, however, declined to be enlightened from such a source, but manifested for the prisoner a patience and forbearance which appeared not to be lost even upon him.

Provis made an original defence in a long and random speech. He contended that he had not forged the documents, nor could he be charged with the uttering, because they had been produced in court by his solicitor, and not by himself, and as to forgery, he said he had heard it laid down by a learned judge, at the Old Bailey, that to copy the names of persons who perhaps never lived, or who at all events must have long since been dead, was not forgery. He had been justified both by the laws [140] of nations, and the customs of civilised society, in what he had done, for nations resorted to arms at did all manner of evils to support what they conceived to be their own, and he asked did anyone now dare to charge Bonaparte as a murderer, because in prosecuting his claim to his own he had caused the deaths of thousands. He was found guilty of forging and uttering the deed, and upon being called up for sentence he prayed for mercy on account of his wife whom he described as "a young creature, beautiful as an angel," and his four small children. The learned judge expressed his concurrence in the verdict of the jury, who he said would have found it impossible to have come to any other conclusion than that at which they had arrived, and after remarking upon the enormity of the prisoner's offence, sentenced him to be transported for twenty years.

Provis died within two years of his trial,<sup>105</sup> and though no more thorough exposure of fraud had perhaps ever before been made, there remained long after his conviction persons who firmly believed him to have been the rightful heir to the Smyth property. In this respect, also, the cases of the two claimants may be said to be similar.

It is only an act of justice to add that, indepen- [141] dently of the testimony volunteered by the London jeweller, which caused the sudden collapse of the trial at *Nisi Prius*, Messrs. Palmer and Wansey, of Bristol,<sup>106</sup> the solicitors to the Smyth family, had, by their zeal and skill, accumulated a mass of evidence which rendered the success of the plaintiff impossible,<sup>107</sup> and his conviction as a perjurer, forger, and impostor a matter of certainty.

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105 He had been sentenced to 20 years transportation but died Dartmoor Prison Sun 30 May 1855 – he had been ill for some time. His death is recorded: Deaths Jun 1855 Smyth Richard Hugh Tavistock 5b p255.

106 18 Corn St. The firm probably was that of Arthur Henry Wansey [formerly Chief Clerk Deaths Dec 1901 Wansey Arthur Henry Age 74 Barton R 6a p147] and either Henry or Arthur Palmer.

107 And the private detective. the former Detective Chief Inspector Charles Frederick Field [1805-1874], who used a letter from Arthur Edwin Way, receiver in Chancery for the Ashton Court Estate, as a testimonial to promote his detective agency.



## EXECUTIONS.

THE rising generation has been mercifully spared the lessons that were supposed to be inculcated by public executions, and it is probable that before the close of the present this century the gallows will cease to be employed even in private as an institution of the State.

This is not the place to discuss the question of capital punishments, but I may perhaps be allowed to quote an extract from a speech I once heard delivered by an advocate of abolition who contended that excessive punishment defeated its own ends and that the infliction of death as a punishment was not only unjust but vindictive, and when awarded by any fallible tribunal indefensible. "I know," said the speaker, "that life is a sacred thing, and that it is argued that he who deprives another of his existence justly forfeits all claim to his own. But I plead for the extinction of the punishment of death because of the inviolability of life — because I would have no legal shedding of blood — because, by forbear- [143] ance on the part of the State, its members should be shown that reformation of the criminal and not revenge was the object of the sentence passed for infringement of the law. I would therefore carry out my principle so far that even the convicted murderer should live — live, if not to repent himself, to be an example to others — live, if not to feel the clemency of our laws, at least to be a demonstration of the fact, — live, that reparation may be made should his innocence be established, and that he may be restored to society with his character retrieved, instead of performing the worthless office of removing the brand from his memory over an ignominious grave."

Some journalists in the provinces are, perhaps, unconsciously open to the charge which may be conveyed in a paraphrase of the couplet: —

The paper's laws the paper's patronage give.  
And they who live to please, must please to live.

Hence on the occasion of a public execution I have known reporters whose pride it was to "interview" Calcraft,<sup>108</sup> the hangman, of whom they afterwards spoke

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108b. 10 Oct 1800 ch. 12 Nov 1800 d. 13 Dec 1879 Married Louisa Kingsbury 19 Apr 1824 Deaths Dec 1879 Calcraft

familiarly as "Cal" Their accounts of the carrying out of the last sentence of the law, in which that person took a prominent part, were garnished with anecdotes extracted from him, and helped to [144] swell the columns of their respective journals.

I am not in a position to supply any such details, but it has been my lot to be present at several of these melancholy spectacles, and respecting them I propose to record a few "stray notes."

The most distressing scene of the kind I ever witnessed was the execution in April, 1849,<sup>109</sup> of a girl named Sarah Harriet Thomas for the murder<sup>110</sup> of her mistress,<sup>111</sup> a penurious old lady who lived in Trenchard-street, Bristol. Sarah Harriet Thomas was utterly uneducated; and an idea may be formed of the character of her friends from a statement made at the time that on the morning of the execution some of them went round among their neighbours inquiring whether they were going to "see our Sal hung." Barricades had been erected to prevent the gathering of a crowd in front of the scaffold. On going to the spot about an hour before the time appointed for the execution to survey the spectators assembled, I found a woman with two children, the eldest certainly not more than seven years of age, bitterly inveighing against the obstruction interposed by the barricades, and pointing with regret to a spot inside the enclosure whence she had witnessed the execution of the Bristol rioters. The time having arrived for the culprit to ascend the drop, those outside the [145] gaol were startled by the screams that proceeded from within its precincts. At last we saw the condemned girl being literally carried up to the scaffold, struggling and shrieking for her life, and with a brother reporter who accompanied me I turned away. Returning after such an interval as assured us that the dread sentence of the law had been carried into effect, we found the multitude still gazing at the suspended body of the wretched girl, having had the last extremity of human suffering demonstrated to them. But there was no solemnity; ribald jests were bandied about; and, after waiting to see the corpse cut down, the crowd dispersed, and the harvest of the taverns in the neighbourhood commenced.

In this case there was a confession. It was certainly made for, and not by, the wretched girl. It formed a lengthy document, and was interlarded with references to various passages of Scripture between parentheses, but it bore the mark of Sarah Harriet Thomas, and admitted her guilt and prayed for her forgiveness. How much of it she understood is a matter on which I will not venture to speculate.

At the execution<sup>112</sup> of John William Beale at Taunton for the Leigh Woods murder there was the usual crowd, and the usual preponderance of females. I overheard a

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William Ong Age 79 Shoreditch 1c p98 Executioner 1829-1874 Obit: *Daily News* Tue 16 Dec 1879.

109 Fri 20 Apr 1849

110 Trial see: *The Royal Cornwall Gazette* Fri 13 Apr 1849

111 Miss Jeffries Deaths Sep 1849 Jeffries Ann Bristol 11 p193 Inquest see: *Daily News* Fri 16 Mar 1849.

112 Tue 12 Jan 1858

woman with an infant at her breast, [146] apparently not more than three months old, tell another woman with whom she had got into conversation that she had walked from Bridgwater (a distance of twelve miles) to see the sight, that she had seen all the hangings that had taken place for years past, and that as long as there were any she should come, if she was anywhere near! She was not of very prepossessing appearance, but was a fair sample of the rest of her sex who were present, while the majority of the men might be described as being scarcely above the brute creation.

In this case there was no confession. The chaplain of the gaol (the Rev. R. Mant);<sup>113</sup> and the Rev. H. P. Liddon,<sup>114</sup> the present Canon of St. Paul's, who is a relative of the gentleman who at that time was the gaol surgeon,<sup>115</sup> were most assiduous in endeavouring to bring the criminal to a sense of his guilt. But their efforts were unavailing. Beyond some general advice to others, frequently given by hardened malefactors, the murderer "died, and made no sign." On reaching the ladder, leading to the drop, the Rev. H. P. Liddon earnestly inquired whether the prisoner wished to say anything before mounting the scaffold. His answer was, "No, nothing." Beale left a widow, who married again,<sup>116</sup> and who in course of time became a mother. The fact was [147] announced in some of the local papers, it being stated, on such a date, "the wife of Mr.—, widow of the late J. W. Beale," had given birth to a son or daughter, whichever it happened to be.

Some years ago it may be recollected that a captain in the merchant service was executed at Liverpool for murdering one of his crew on the high seas. About the time the execution was to take place a prisoner who had escaped from one of Her Majesty's gaols in the West was captured at Liverpool and lodged in the goal in which the condemned captain was confined. The Governor of the gaol from which the prisoner had managed to obtain egress without leave, accompanied by the Chief of Police, started for Liverpool to bring their man back, and they arrived there on the day prior to the execution of the captain.

The Governor had frequently before been to Liverpool, but it was the first visit of the Chief to that port, and he accordingly put himself entirely in the hands of his brother official. Arrived at Liverpool, the couple proceeded to the Governor's usual hotel and secured the necessary accommodation.

Now the Governor is fond of a quiet practical joke, and the landlady was a little inquisitive as to who his companion was; [148] — "Can you keep a secret, if I tell you?" said the Governor.

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113 Clevedon House Somerset. Sometime Chaplain Reading goal. Deaths Jun 1894 Mant Richard Age 73 Bakewell 7b395. Died from a fall See: *Birmingham Daily Post* Tue 19 Jun 1894

114 b. 20 Aug 1829 - d. 9 Sep 1890 Deaths Sep 1890 Liddon Henry Parry Age 61 Axbridge 5c p315. Obit: *The Pall Mall Gazette* Wed 10 Sep 1890

115 Dr Edward Liddon Sometime Magistrate Deaths Jun 1923 LIDDON Edward Age 92 Taunton 5c p360 Obit: *The Times* Thu 28 Jun 1923

116 **Possibly** Marriages Jun 1859 Beale Sarah Bristol 6a p174

"Of course I can," said the landlady.

"Well, if you must know," rejoined the Governor, "the gentleman that came in with me is no other than my old friend Calcroft. I happened to meet him at the station, and gave him a lift in my cab. He tells me that he is come down to hang the captain tomorrow morning."

"How dreadful!" exclaimed the landlady, whose house was well frequented by merchant captains.

"My dear Mrs.—," said the Governor, "don't breathe a word to anyone of this, or it may make matters unpleasant."

"Not for worlds," said the landlady.

"Calcroft," continued the Governor, "is a very quiet, inoffensive fellow, but it would surprise you how cool he takes all these things — it's a matter of business with him, you see. Now to-morrow morning you'll find that he'll order his breakfast for a quarter past seven, and a cab for a quarter to eight. Then he'll have that little portmanteau of his, that contains the rope and cap, and all the rest of it, brought down; he'll get into the cab, quietly tell the driver to go to the gaol, and there he'll go and hang the captain. And when it is all over he'll [149] come back and call for his bill, pay it, and go away as if nothing had happened. In all probability I shall go to the gaol with him, as I want to see the Governor about a man I've lost. You'll be sure not to mention a word of this to anyone."

"Certainly not," said the landlady.

However, as the Governor shrewdly suspected, such intelligence could hardly be kept private. The landlady imparted it "in dreadful secrecy" to the young lady in the bar, the young lady in the bar communicated it in her turn under the same conditions to another "party," till by degrees there was not a soul in the house, except the unsuspecting Chief, who did not know that Calcroft was one of the guests at the hotel.

The Governor and Chief made their appearance at the *tâble d'hôte*, where several captains in the mercantile marine were seated. Many of them knew the jovial Governor, and gave him a hearty greeting; but they turned with averted eyes, if not with disgust, from his companion. Not one of them would accept the Chief's courteous challenge to take wine with him; and he was literally "cut."

The repast over, the Governor and Chief retired to a private room to attend to the business that had really brought them to Liverpool. The Chief [150] complained that

he had never sat down to dinner with such a disagreeable set of men; but the Governor framed the excuse that these sea captains were very shy at first, but "when you get to know them they are as jolly as you saw them with me. I don't think it worth while to go up to the gaol to-night for our man," continued the Governor. "Let us go up in the morning. Have an early breakfast, and we can go in before the execution takes place, and make arrangements for removing our prisoner and getting back by an early train."

The unsuspecting Chief assented.

"Just be good enough then to ring the bell," said the Governor, "and order breakfast for us at a quarter past seven and a Hansom at a quarter to eight."

The Governor is silent, the Chief he complies, and having deliberately rung a bell a waiter appeared.

"Waiter," said the Chief.

"Yes, sir," of course, said the waiter.

"Let us have breakfast at a quarter past seven to-morrow morning and a Hansom at a quarter to eight."

"Sharp," interposed the Governor.

"Yes, sir — sharp, sir," said the waiter, and vanished.

[161]

On the following morning the Governor and the Chief found their breakfast ready punctually at the appointed hour, and having dispatched the meal the Governor artfully suggested to the Chief that it would be better perhaps for him to go direct from the gaol to the station with their prisoner, in which case he (the Chief) might as well take his portmanteau with him. "I will come back here and settle the account, and join you at the station," added the Governor.

Again the Chief unwittingly assented.

"Well, then," said the Governor, "the Hansom is now due. Ring the bell, and let them bring down the portmanteau."

The bell was accordingly rung, and on the waiter appearing the Chief said, "Waiter!"

"Yes, sir," said the waiter.

"Go up and bring down the portmanteau you will find in my room. No. I'm not

coming back. My friend, Mr.— , will return and settle."

"Very well, sir," said the waiter. Presently he reappeared holding the fatal bag at arms' length, but was told by the Governor to follow them down stairs with it, and put it into the cab.

Down the stairs descended the Governor and the [162] Chief. The passage was lined with nearly all the servants in the establishment, who glared at the man who was supposed to be about to hang the captain, and the waiter brought up the rear, still holding the portmanteau at arm's length.

At last the Governor and Chief were safely seated in the Hansom, the portmanteau had been deposited there with fear and trembling by the waiter, and the driver "inquired within" where he was. to go.

"To the gaol," responded the Chief.

Away sped the cab, and the employés of the hotel discoursed respecting their late visitor. By and by the Governor returned and explained to the confiding landlady the hoax which had been played upon her, and in the return journey with the prisoner from Liverpool to the Governor enlightened the Chief as to the part he had been supposed to be playing.

The Chief, though at first a little annoyed that any one should be so stupid as to mistake him for a moment for Calcraft, at last was as heartily pleased with the joke as if he had been a conscious actor in it.

## THE BAR AND THE PRESS

MANY years ago a feud sprang up between the Bar and the Press. Resolutions were passed by the members of the Oxford and Western Circuits declaring it to be incompatible with the status of a barrister to report proceedings for the public press. The resolution on the Oxford Circuit was aimed at Mr. Cooke Evans,<sup>117</sup> who then represented *The Times*, and on the Western Circuit at Mr. H. T. Cole<sup>118</sup> (now a Queen's Counsel), who then reported for the *Morning Chronicle*.

The dictum of the Oxford and Western Circuits was warmly resented by the press, and by way of retaliation. *The Times* adopted a plan that was followed by many other journals, London and provincial, which soon led to the rescinding of the obnoxious resolutions. The leading journal stated that it was of no importance to the general public, however important it might be to the legal gentlemen themselves, to know what particular counsel appeared in any case. Accordingly instructions were given [154]

*The Times'* representatives on the Oxford and Western Circuits to suppress the names of all the barristers who appeared in cases reported in that paper. Hence for some time in the reports of these circuits, the public read that "the counsel for the plaintiff," "the counsel for the defendant," "the counsel for the prosecution," and "the counsel, fear the prisoner," said or did so and so. This was a serious matter for the bar, and no doubt materially hastened the withdrawal of the objectionable stigma, sought to be cast upon the press.

In those days, however, the belief in the superiority of the bar to the press was held by the bench as well as the bar, and reporters were tolerated, not recognised. I recollect a curious scene occurring in a trial for murder at Taunton, before Mr. Justice Cresswell. The case excited a good deal of interest, and it is referred to in another paper. The court was crowded, and in the course of the proceedings Mr. Moody, a barrister, and himself a law reporter, finding no accommodation in the benches set apart for counsel, requested the late Mr. Denison,<sup>119</sup> who reported the proceedings of

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117 *Possibly*. b. 1809 Deaths Dec 1867 Evans James Cook Age 58 Camberwell 1d p378

118 b. 1816 d. 5 Jan 1885 Deaths Mar 1885 COLE Henry Thomas Age 68 Kensington 1a p137 Obit: *The Morning Post* Tue 6 Jan 1885.

119 James Denison. For family connection with *The Times* see that paper Mon 17 Jan 1898.

the Western Circuit for *The Times* for many years, to give up a seat which he had invariably occupied. Mr. Denison declined to do so, and Mr. Moody thereupon appealed to the [166] judge, who ruled that although it was convenient for the public that reporters should be present, yet they formed no integral part of the court, as did the bar, and the gentleman must therefore give place to Mr. Moody. Accordingly, Mr. Denison gathered up his note book and papers and took a seat in the dock with the prisoner, where he remained for the rest of the day. In the very next case that was tried, — a charge of forgery, — Mr. Justice Cresswell hoped it would go forth to the public that, although forgery was no longer punishable with death, yet, whenever a conviction took place a very severe sentence would invariably follow, and in this instance he passed sentence of transportation for fifteen years. *The Times*, in a pungent article on the indignity to which its representative had been subjected, inquired how the learned judge expected the hope he had expressed to be fulfilled if persons who were present for the very purpose of letting the proceedings go forth to the public were unprovided with accommodation, or were liable to be deprived of such accommodation as they could obtain by any barrister who was not engaged in the case, and who had no more interest in it than any other barren spectator.

This incident has recalled to mind one or two other matters which may find a place in this chapter.

[156]

When the case for the prosecution in the forgery trial concluded, the junior counsel for the prisoner, apparently without having consulted his leader, rose and submitted that there was no case to go to the jury.

"Indeed," said the judge. "You are of course prepared to support that proposition by argument and authority."

"Oh, yes, my lord," responded the counsel; and he proceeded to argue that it had not been shown that the prisoner was not authorized to use the name of the person whose signature appeared to the forged document. In support of this point the learned gentleman read from a law book a case which seemed to favour the view he had submitted to the court, and then paused.

"Head on, sir," said the judge, rather sternly.

"That is the case, my lord," said the advocate.

"It is not the case," rejoined the judge, still more sternly. "Read on."

The unfortunate counsel had to comply, and when he had read to the end of the case it seemed that it was held by the judges that it was sufficient for the prosecution to make out the forgery, and that proof of the absence of authority to use the name was



not incumbent on them, although if the [157] prisoner could establish such authority it would be a valid defence.

"You are young at the bar, sir, I perceive," said the judge. "Let me give you this piece of advice. In future read your cases through. To quote half a case can do your client no good, and is the worst possible compliment you can pay us."

The counsel stammered out something about being led away by zeal for his client, but was ruthlessly cut short by the repetition of the remark from the bench, "In future, sir, read your cases through before you cite them."

In another case, a young barrister who has since achieved eminence in his profession was defending a woman on a charge of robbing her furnished lodgings, and he told the jury that before they found the prisoner guilty they must be satisfied that she did not intend to redeem the articles, which were proved to have been pawned, and to return them to her lodgings.

"Stop," said the judge; "repeat that argument, if argument it may be called." The learned counsel accordingly reiterated his proposition, in a slightly modified form.

But the judge again interposed, saying, "I cannot allow such a doctrine to be put to the jury; it is not [158] consistent with common sense, and you ought to know it is not consistent with common law."

The advocate bowed to the rebuke, and having nothing further to urge on behalf of his client he resumed his seat, and let justice take its course without further let or hindrance on his part.

A story told of the late Mr. Justice Cresswell, probably new to many of my readers, may be introduced here. No one ever entertained a doubt of the immense ability of the learned judge, but there was a certain hauteur about him that rendered him not very popular with his brethren at the bar. Hence upon his elevation to the bench, some members of the Northern Circuit, of which Mr. Cresswell had been the acknowledged leader, were credited with circulating a squib, of which the following is an outline: —

About the time of Mr. Justice Cresswell's elevation to the bench, there were internal disturbances in the vast empire of China, and it was stated that the natives having heard of the great name and fame of Sir Cresswell Cresswell, had sent over a deputation to invite him to become their Emperor. The members of the deputation were graciously received, and made known their mission. Sir Cresswell manifested no astonishment at the proposal made to him, but [159] politely intimated that there were one or two points he should have to consider before giving a final answer, and

he requested the deputation to wait upon him in the course of a few days, when he would be prepared to accept or to decline the offer made to him.

At the second interview the deputation, on being admitted to the presence of the learned judge, were treated in the same dignified manner as before.

"I have been looking into the manners and customs of your people," said Sir Cresswell Cresswell, and though I should find no difficulty in ruling any number of millions of them, I wish to be informed whether it is still expected that the Emperor of China should recognize the sun and moon as his brother and sister?"

The deputation intimated that it would be indispensable that the relationship should be maintained.

"There is an end of the matter then," said the newly-made judge. "I might have had no objection to look upon the sun and moon in the light of poor relations; but to treat them as brother and sister, — impossible!"

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## BANKRUPTCY REMINISCENCES

### THE ILLITERATE ASSIGNEE

MOTION was made under the Bankrupt Law Consolidation Act, 1849, before Mr. Commissioner Hill, in the Bristol District Court of Bankruptcy, for the removal of the trade assignees of a bankrupt who had been engaged in an extensive business as a builder.

The motion was supported by Mr. Edlin,<sup>120</sup> who has since become a Q.C., and he examined several witnesses, among them being one of the assignees whom it was proposed to remove. The ground of objection to this person was that he was illiterate, and therefore unfit to be entrusted with the conduct of a large estate in which there were many complicated and conflicting interests.

After ascertaining the name, address, and occupation of the assignee, Mr. Edlin proceeded:

Q. I believe, Mr.—, you can neither read nor write?

[161]

A. No, I can't, worse luck.

Q. Then, not being able to read or write, you have been unable to investigate the accounts?

A. Yes, I have.

After several similar questions and answers, the learned Commissioner intimated that he was about to leave the Court for a short time, but that the examination could go on during his absence. As soon as the Commissioner was gone, Mr. Edlin handed Mr. a written document, and asked him to explain a particular item in it.

The witness with a very peculiar emphasis replied, "What 's the use of asking me such nonsense as that, when you know I can't read or write?"

"Very well, sir," said Mr. Edlin, "I shall take down your answer, and shall not proceed with your examination till the Commissioner returns."

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120 Died 18 Jul 1903. Deaths Sep 1903 Edlin Peter Henry Age 84 Paddington 1a p36. *Times* obit 20 Jul 1903

"Oh, very good," rejoined the witness.

On the Commissioner resuming his seat, Mr. Edlin rose and said, "I am sorry that I have not been able to go on with the examination of this witness, as suggested, during the absence of your Honour, for this is the answer he gave to the very first question I put to him — "What's the use of asking me such —" I shall not repeat the expression [162] he used — nonsense as that, when you know I can't read or write?"

"Well," said the Commissioner, in serio-comic vein, "without characterizing it, as the witness seems to have done, by some strong epithet, does it not appear to you to be something like nonsense to ask a man who you know can neither read nor write to explain an item in a document like that?"

Mr. Edlin, perceiving his dilemma — "But it is the manner of the witness to which I object, your Honour."

The Commissioner — Ah, that is another matter. I will deal with the manner of the witness, but we must not ask him to perform impossibilities.

#### APPLAUSE OUT OF PLACE.

A PERSON, who was described as an insurance agent and private tutor,<sup>121</sup> was made bankrupt. After his adjudication a settlement, executed the day before his marriage, was set up, which included everything of which the bankrupt was possessed, down even to his shirt-studs. The case was so flagrant that a prosecution was ordered, pursuant to the provisions of the Bankruptcy Act, 1861,<sup>122</sup> under which the [163] bankrupt was charged with having fraudulently made away with his property, with intent to diminish the sum to be divided among his creditors. This was the first prosecution that took place under the Act. A jury was empanelled to try the case. When the day arrived, it was discovered that the bankrupt had been arrested and imprisoned for debt about three months before the adjudication; that the goods he had obtained had been obtained more than three months next preceding his adjudication; and that hence the criminal charge against him could not be supported.

The Commissioner, in discharging the jury, regretted the state of the law, and made some severe animadversions on the conduct of the bankrupt. These animadversions were so consonant with the feelings of one of the trade assignees, who was a heavy loser, not only by reason of his debt, but by the costs for which he became liable in the abortive attempt to prosecute the bankrupt, that he exclaimed "Hear, hear," in a loud tone.

"Who is that who dared to interrupt the Court?" exclaimed the Commissioner.

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121 Private 'teacher'. Edward Lansdown [a certain pseudonym] of Bath See: *The Bristol Mercury* Sat 15 Nov 1862

122 For a layman's guide see: *The Standard* Sat 2 Nov 1861.

"It was me, sir," mildly responded the unfortunate trade assignee.

"You have been guilty of a gross contempt of [164] Court," said the Commissioner, "for which, if there were not some extenuating circumstances in your case, I should be inclined to commit you. As it is, I warn you not to offend again."

"I beg your Honour's pardon," said the assignee, in an evident state of trepidation as to the consequences which might have arisen from his giving expression to his concurrence with the views expressed by the learned Commissioner, "but I was never in a Court of this sort before, and I hope I never shall be again."

"I hope so, too," added the Commissioner, "but if you are, learn to behave with decency."

#### AN EXCUSE FOR PERJURY.

A woman was examined at some length as to the disposition of some money belonging to the estate of her husband, who had instituted proceedings for liquidation by arrangement or composition with his creditors under the Bankruptcy Act, 1869. At the first meeting she stated that on a given day she had paid £20 to her brother. On a subsequent examination it was discovered that this brother had been in Australia for some years, and that he died [165 ] there a twelvemonth before the alleged payment was made.

The examining solicitor required the debtor's wife to explain this contradiction.

"Oh," she replied, "people tell lies sometimes, I suppose."

"But were you not sworn to tell the truth?"

"No, I wasn't."

"Did' not this gentleman (the Registrar) give you this book, and having told you that you were to make true answers to all questions put to you, desire you to kiss it?"

"Yes, he did."

"Did you raise the book to your lips?"

"No, I didn't; I raised it to my nose and chin."

#### THE PERJURER'S PEG.

The witness-box in the Bristol District Court of Bankruptcy had a kind of shelf in front of it, and at the two sides there were rows of small rails about a foot in depth, below which a paneling reached to the ground. In the examination of a witness which lasted for many days, and which resulted in his being tried and convicted of perjury, and sentenced [166] to eighteen months' imprisonment, I noticed that when being pressed on the important parts of the case his hand would convulsively clutch one of the rails or pegs. Before his examination was concluded the peg was quite loose. Other witnesses of the same temperament and the same proclivities followed in other cases. When the point came, the hand furtively clutched the peg. So it got to be known among the officials of the Court as ——'s peg, and the fact having come to the hearing of some of the legal practitioners, they kept a sharp eye on the witness and the peg, and if the latter were grasped, significant glances were exchanged between those who knew its history, and I am afraid the veracity of the witness under examination was sadly doubted.

### SAVING KNOWLEDGE.

I HAPPENED to be writing out some notes on one occasion in the Bristol District Court of Bankruptcy when a gentleman came in and requested to be sworn to a proof of debt.

One of the officials of the Court took the proof, and having glanced through it to see that it was filled up accurately, tendered it to the creditor [167] with a Testament saying, "This is your name and handwriting, and the contents of this your affidavit are true, so help you God. Kiss the book, sir."

The creditor paused, and said, "I affirm; I belong to the Society of Friends."

"In that case," said the official, "you will have to make your proof over again; you can get the proper form in the room opposite."

"Will it cost anything?" asked the Quaker.

"Yes, twopence," was the reply.

"Well, I have lost enough by this bankrupt," said the creditor; "I don't see why I should lose twopence more. It 's all true that I have stated here, so give me the book, and I'll be sworn to it."

The Testament was accordingly handed to him again, he kissed it, made his proof, and saved his — twopence.

### JUSTICE TEMPERED WITH MERCY.

A BUILDER, whose affairs came into the Bankruptcy Court in consequence of losses sustained by a contract in connexion with the Box tunnel of the Great Western Railway, came up for his certificate.

[168]

As in a case subsequently mentioned there was not only no opposition, but the solicitor to the assignees expressed the wish of the creditors that an immediate

certificate of the first class should issue.

Mr. Commissioner Hill, in one of those addresses in which he was unsurpassed, granted the wish of the creditors, and hoped that the future career of the bankrupt might be more fortunate though it could hardly be more honourable than the past.

The bankrupt essayed to acknowledge the compliment paid him by the Court, and had probably prepared a speech for the occasion. His articulation, however, betokened that he had been taking an enemy into his mouth to steal away his brains, for he began thus — "When justice is tempered with mercy" — a long pause, apparently in the vain hope of recalling the original idea, and then the sentence was finished — "itsh very nish."

"Stand down man," said the Commissioner, don't be oratorical. The best advice I can give you in your present condition is to hold your tongue."

The crestfallen bankrupt quitted the box, and it was well for him that his attempt at speech-making was not made before his certificate was granted, or the result might have been a different award, and a less complimentary address from the bench.

[169]

#### THE INTEMPERATE BANKRUPT.

A BANKRUPT, who Came from "a place in Wales," as the late Mr. Serjeant Stephen used to designate the unpronounceable names of some of the towns in the Principality, came up to pass his last examination. He knew that he was to be opposed, and he apparently sought to screw up his courage by imbibing pretty freely. The case was called on early, and the bankrupt was desired to go into the box. With some difficulty he obeyed, but his answers to the first few questions put to him were so incoherent, that the Commissioner (Mr. M. D. Hill, Q.C.)<sup>123</sup> turned upon him, and said, rather sharply, "Man, you are drunk!"

"I'll bet ye a quart o' that," stammered out the inebriated Welshman.

The Commissioner at once ordered him into custody for contempt, and he was kept in durance vile till the hour for the rising of the Court arrived, by which time he had partially recovered his sober senses, and having made a humble apology was discharged from custody.

The subsequent examination of the bankrupt was protracted over several sittings, but on every occasion when the case was called on, the Welshman [170] was reminded of the state in which he made his first appearance by the remark of the Commissioner

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<sup>123</sup> Deaths Jun 1872 Hill Matthew Davenport Age 79 Clifton 6a p110. Sometime Recorder of Birmingham. Long obit: *Birmingham Daily Post* Sat 8 June 1872.



— " Oh, I recollect this case. This is the man that came up before me when he was drunk." It is hardly necessary to add that these rebukes were patiently taken, and that the bankrupt never again offered to make a bet with the Commissioner.

#### THE REJECTED BRIBE.

A BANKRUPT, who came from another "place in Wales," was under examination on several occasions, and these examinations, which disclosed some transactions of a discreditable character, were duly reported. The reports were transferred to the columns of the paper published in the town in which the bankrupt resided, and the result was that he was dismissed from the office of deacon, which he held in one of the Dissenting chapels. On his application for a certificate, the Commissioner delivered an elaborate judgment, in which he reviewed the conduct of the bankrupt as a trader, and finally refused to grant any certificate whatever.

While I was transcribing my notes of the judgment, the bankrupt's wife came to me, and asked [171] if I was the gentleman that did put Thomas's affairs in the papers. I told her that I had reported his case hitherto.

"And will you put in what has took place to-day?" she asked.

"Yes," I replied, "I am now writing it out."

"Oh, indeed to goodness," she exclaimed, "my poor Thomas has been very much purged already by what has been printed about him. They have turned him out from being deacon, and what they will do now, indeed to goodness I don't know."

I expressed such sympathy for her as I could, but resumed my transcript.

"But must all this be published?" she asked again.

I replied affirmatively.

"You must be very tired," she said coaxingly, writing so much; you must want something. If you wouldn't mind leaving out my poor Thomas's case, I wouldn't mind giving you that." And with that she laid down the princely sum of eighteenpence!

I laughed outright at "poor Thomas's" wife; but I do her the justice to say that she did not make any further offer. Sorrowfully taking up the eighteen- pence, she went away ejaculating, "Oh my poor Thomas, you have been purged enough before, but now you will be purged worse than all."

[171]

### PUNCTILIOUS PUNCTUATION.

A GENTLEMAN, who, after a, successful career as a newspaper proprietor, retired from business with an ample fortune, was induced with several other to embark in some ironworks and a gigantic brewery in South Wales,<sup>124</sup> from which, according to the prospectus, very large profits were to be derived. The result, however, was that bankruptcy ensued, petition included seven names. Of these six surrendered,<sup>125</sup> filed their accounts, passed their last examinations, and received certificates. The seventh, who was the managing director, and to whom the others attributed their position, delayed his application for a certificate for a considerable time. On the occasion of the six partners making their application, the solicitor who represented the assignees, stated that not only was no opposition offered by the creditors but that the bankrupts had the warmest sympathy of those to whom they were indebted. The Commissioner, in awarding immediate certificates, reviewed the facts of the case at some length, and expressed the pleasure it afforded him to concur in the application that had been made on the part of the assignees and to grant all the bankrupts who were then before him an unconditional certificate.

[173]

My friend, the ex-newspaper proprietor, asked me if I should forward a report of the Commissioner's observations to the papers in the locality from which he and his partners in distress came. Having told him it was my intention so to do, he inquired whether I would do him the favour to let him see the copy before it was sent off.

"By all means," I said; "if you will wait here I will write out the transcript at once, and you can go through it before it is posted."

When the MS. was completed, I handed it to my old friend, who read it from beginning to end with his characteristic exactitude. Then he turned to me, and said, "You were always very accurate, but if you would allow me to change this comma to a semicolon, I think the meaning of the learned Commissioner would be more distinctly conveyed."

"By all means, my dear sir," I replied, "make it a colon if you like, or correct the punctuation in any way you think proper."

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124 This refers to *Maesteg Iron Company* and *The Vale of Neath & South Wales Brewery Company*, of which George Wood was director. See: *The Bristol Mercury* Sat 13 Jan 1849. The brewery sold by public auction on 31 October 1849 [see *Daily News* Mon 8 Oct 1849]. The last mention of the Brewery Company was in the Vice Chancellors' Courts on 11 Feb 1850. An obscure action regarding the wife of a Mr White.

125 Those 'jointly and severally' due for the debts of the brewery were; William Webb Dunn, [Bath], William Keene, [Bath], Henry Brooks Marriott, [Llanganoyd, Glamorgan], Samuel Brewer Wearing, [Bristol], William Stothert, John Cottle Spender, John White Little, George Wood, William Brunton. Joseph Rusher, William Henry Buckland, Samuel Brown, and Joseph Stancomb, Many were involved in the Iron Company.

"I am much obliged for the offer," returned the precise old gentleman,<sup>126</sup> "I think a comma might be inserted with effect in one or two places."

The comma was accordingly changed to a semi-colon, the extra commas were put in, and the veteran [174] journalist, but juvenile ironmaster and brewer, thanked me very warmly for the concession made to him, and retired from Court.

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126 Wood was 63.

[175]      IN MEMORIAM.

While these "stray leaves" have been passing through the press, the name of Matthew Davenport Hill, Q.C., formerly Recorder of Birmingham, and Commissioner of Her Majesty's Court of Bankruptcy for the Bristol District, has been added to the list of the illustrious dead.<sup>127</sup> Abler pens than mine will depict his character as an accomplished scholar, a profound jurist, and an active philanthropist; but I may be permitted to bear humble but sincere testimony to the mingled dignity and kindness displayed by Mr. Hill to the suitors, practitioners, and officers of the Court over which he presided till its abolition with so much ability. No judge was ever more desirous of arriving at the truth, and of basing his judgments on principles in accordance with strict justice as well as with existing law; and his exertions in the cause of legal reform will not be the least among the labours of a well-spent life for which his name will long be remembered with veneration and gratitude.

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<sup>127</sup> See f/n. above.

## ODDS AND ENDS

### THE BISHOP AND HIS CHARGE.

WHEN the present Bishop of Durham was elevated to the episcopal bench as 39th Bishop of Gloucester and 46th Bishop of Bristol, in succession to Bishop Monk, there was some curiosity as to the contents of the first charge to be delivered by the new prelate. The charges of Bishop Monk were always looked for, and were always pregnant with weighty matter. Hence there was a general desire to see how far Dr. Baring<sup>128</sup> would approach his immediate predecessor in the see of Gloucester and Bristol in this respect.

A note was dispatched to Dr. Baring requesting his Lordship's permission to make a transcript of his primary charge from his own manuscript. The request was obligingly granted, and in compliance with his Lordship's invitation, in company with two other gentlemen of the press, I proceeded on the day appointed to the episcopal residence, which at that time was at Rodborough manor house,<sup>129</sup> near Stroud.

[177]

On our arrival, we were ushered into the Bishop's library, and the charge which was of considerable length was handed over to us, and we were then shewn to an apartment which was placed at our disposal for the purpose of making our transcript. Now the manuscript had been bound up and formed a tolerably bulky volume. When, therefore, we reached the room set apart for us, it became evident that we could not all three transcribe, as we had intended, unless the charge was removed from the binding in which it was encased. To have effected the release of the charge without the permission of its author would, of course, have been unpardonable; so, after holding counsel together, it was resolved to solicit another interview with the Bishop and represent to him the dilemma in which we were placed. Now, reporters are not usually credited with any excess of modesty; but I recollect that on this occasion it had to be determined by lot which of us should make the proposition to his Lordship. After some discussion, it was resolved to settle the point by lot, and the lot fell upon Joseph ——.

On re-entering the Bishop's presence, our spokesman explained very lucidly to his Lordship the difficulty we were in, and cleverly insinuated that the difficulty could be easily overcome by removing [178] the manuscript from the covers in which it had been bound.

His Lordship evidently did not like the idea, and feared it would be impossible to restore the charge to its pristine condition.

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128 Charles Thomas Baring b. 1807 d. 16 Sep 1879 Deaths Sep 1879 Baring Charles Age 72 Kingston 2a p140. Obit: *The Times*, Thu 18 Sep 1879;

129 Demolished 1923.

"I can assure your Lordship," said our spokesman, "that neither the manuscript nor the binding will be injured. If your Lordship will allow me, I will show you how it can be done." And almost before the Bishop had time to interpose a penknife had been produced and so dexterously applied that the charge was presented to his Lordship freed from the covers that had bound it.

The Bishop looked aghast at what had been done, and repeated his fears that the charge could not be restored to its original state. The worthy prelate's fears wore, however, allayed, if not altogether removed, by some explanations that were offered to him, and thanking his Lordship for his compliance with our request we retired from his presence, and were soon engaged in our work of copying. When our task was completed, the mangled charge was restored to its covers, and the binder, no doubt, in due time repaired the injury we had been compelled to inflict upon it. We were informed that his Lordship had been obliged to leave on some business [179] connected with his diocese; but in compliance with his instructions we were very hospitably entertained, and we left Rodborough, having accomplished the object of our mission with satisfaction to ourselves, if not altogether to the satisfaction of Dr. Baring.

#### THE MISSING VOWEL.

Some of our judges are stenographers, and take their notes in shorthand. At the Wells assizes, some years ago, a stenographic judge was presiding in the Crown Court, and in summing up one of the cases, he read portions of his notes to the jury. In giving the evidence of one of the witnesses his Lordship read the chief portion without, hesitation, but at last he made a pause, and, turning to the reporters' box, said,

"Could any of you gentlemen assist me to a word here? I have not put in the vowels, and what I have looks as if the witness had said, "Go, and call in the *baby* but it can't be that, as there is no baby in the case."

I supplied the word, which was "Bobby," the slang term for a policeman, and his Lordship, having thanked me, proceeded without difficulty to decipher the rest of his notes. [180]

#### COLOURED REPORTERS.

Two tradesmen, who held a very respectable position in one of the cities of the Western Circuit, were tried on a serious charge before the late Lord Chief Justice Denman, at Taunton, some quarter of a century ago. The trial took place on Good Friday, and the courts were not opened for the dispatch of business till after the judges had attended Divine service. The weather during the former part of the week

had been cold, and the Chief Justice had complained of the chilly atmosphere of the Court. Good Friday, however, opened with a bright spring morning, and a genial temperature. The persons who had to look after the warming of the Court took no notice of the change, and seemed to have determined that these should be no more complaints that the place was not warm enough. Every window had been closed, and every stove kept in full swing from an early hour. The consequence was that when the Court opened at half-past one, and immediately crowded, the heat was most oppressive.

I was under engagement to supply full reports of the case to several provincial and metropolitan journals, and this could only be done by recourse to manifolding. Two gentlemen assisted me in the [181] work. As we laboured, with a huge stove immediately under the reporters' box, we were almost roasted. The black carbonic paper used for manifold writing begrimed our hands, and, as we wiped away the perspiration from our brows, we gradually assumed the appearance of three Ethiopians.

Nevertheless, we were, so to speak, chained to our seats till the trial was over, and ended in an acquittal; and, by that time, three more grotesque objects could scarcely have been seen in the Court than were presented by my colleagues and myself.

About a year ago — having in the interval written many reams of manifold copy — I was somewhat amused at having the process explained to me by a commercial traveller whom I chanced to meet. He told me that his house had adopted a capital plan for preventing any disputes with travellers and customers as to the orders given, by causing each order to be signed in duplicate, one copy being retained by the customer, and the other forwarded to the house.

"Look, here," he said, producing his manifold book. "You put a piece of this black paper between two leaves of the white, and then you put this piece of zinc under the bottom leaf, and you can make two copies at a time."

At first I feigned astonishment, but when I told [182] him that, though not in his line, I had taken a good many lines in manifold and had made as many as ten copies at a time, the commercial gentleman was fairly staggered, and put away his book, apparently convinced that it was not the wonder he had supposed.

### A CURE FOR LOQUACITY.

Soon after the passing of the Municipal Reform Act the Town Council of a famous city in the West had among its members a naval officer who was an inveterate talker. He was what Carlyle calls a "windbag." Every attempt to put his speeches into anything like decent shape failed to give him satisfaction, and he was perpetually

complaining of being misreported. He evidently disbelieved the dictum Shakspeare has put into the mouth of Lord Stanley, in the historical play of Richard III: — "None so bad but may be well reported." At last the nuisance became so intolerable that the editor forwarded a note to the gallant officer, informing him that in order to avoid any ground of complaint in future, the reporter had been instructed henceforth to give all the speeches Captain —— might deliver verbatim. The hint had the desired effect. Henceforth Capt. —— [183] became a "silent member." The same treatment was tried, but without the same effect, upon another member of the same Town Council, who, curiously enough, also belonged to the naval profession. He defied verbatim reporting, though there would be sentence after sentence of interminable length, which would test the breath of any ordinary mortal. Parenthesis would wheel within parenthesis, and the outcome of all this was something like Bassanio's description of Gratiano: — "His reasons are two grains of wheat hid in two bushels of chaff; you shall seek all day ere you find them; and when you have them they are not worth the search."

### CONDITIONAL GRATITUDE.

It is customary when any of the great religious or other societies attain an existence of fifty years to celebrate the event by what are called "jubilee meetings." Consequently, when the London Missionary Society had completed a career of half a century, "jubilee meetings"<sup>130</sup> were held in the metropolis and in those towns in the provinces where auxiliaries to the Parent Society had been established.

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The jubilee gathering at Bath took place Argyle chapel, a place of worship sacred in the annals of Dissent as having been for upwards of half a century ministered in by the Rev. William Jay, who in his time was an eminent Nonconformist divine.

When the programme of the proceedings of the "jubilee meeting" had been about half completed, the chairman announced that it was intended on that special occasion to borrow a leaf out of their friends, the Wesleyans', book, and to make the collection at that point. Accordingly a number of gentlemen provided with baskets left the platform and went from pew to pew to gather contributions to the jubilee fund. On their return, the baskets were emptied of their contents, and the total announced to amount to upwards of £90.

The Rev. John Owen, who was then the minister at a chapel in Bath known as "Lady Huntingdon's" in a fit of enthusiasm at so large an offertry, exclaimed, "Let us sing,

'Praise God from whom all blessings flow.'

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130 Formed in 1795. A long article in *The Bristol Mercury* Sat 27 Sep 1845 is of interest.



"No," interposed the Rev. Dr. Leifchild,<sup>131</sup> who was one of the deputation from the Parent Society, "some of our friends may have come unprepared, or may wish to give more. Go round again, and let [185] those who have not the money with them write down their names — and the sums they are willing to give on slips of paper and put them into the basket. Then I am sure we shall make up the collection to at least £100."

The Rev. Dr. spoke as one having authority, and the course he suggested was adopted. The gentlemen with the baskets left the platform, and canvassed the occupants of the pews as before. When they came back the process of reckoning up the result was again gone through. There was no inconsiderable number of coins of various value, and many slips of paper representing spiritual I.O.U.'s, and it was then found that the total had been brought up to something in excess of £120.

"Now," said Dr. Leifchild with great unction, "Let us sing,

"Praise God from whom all blessings flow.' "

The audience complied, and after the singing, were addressed by other speakers, and in due time (to use the ordinary phrase) "A vote of thanks was awarded to the chairman, and the meeting separated."

The mention of the Rev. William Jay has brought to mind a curious circumstance. The 31st of January, 1841, was the fiftieth anniversary of his ordination over the church and congregation [186] assembling in Argyle chapel, Bath, and the event became the subject of a jubilee. A jubilee sermon<sup>132</sup> was preached by the rev. gentleman on the anniversary day, which happened to fall on a Sunday, and on the succeeding Tuesday morning a "jubilee" breakfast took place at the Assembly rooms, followed by a presentation. The wishes of Mr. Jay were consulted in the matter, and the testimonial took the form of cash. The advanced years of Mrs. Jay had impaired her faculties, and for some time previously she might have been described as having reached the stage in the "last scene of all," as "second childishness and mere, oblivion." Nevertheless, to the surprise of many who knew her mental state, Mrs. Jay appeared at the breakfast, and was seated near her husband, between one of her sons and his wife. In due course the testimonial was presented, and the gift was acknowledged in a speech by Mr. Jay, who certainly astonished many of his hearers, by turning at the close to his wife, and saying, "Here, partner of my joys and of my sorrows, I present thee with this gift." The purse containing the money was handed to the unconscious lady, and when her husband resumed his seat she was led out of the room, and took no further part in the proceedings.

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LENIENCY APPRECIATED.

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131 Deaths Sep 1862 Leifchild John Pancras 1b p1. Aged: 82 Obit: *The Dundee Courier* Thu 3 July 1862.

132 Later printed and published. See: *The Bristol Mercury* Sat 6 Feb 1841. An engraved portrait of Rev Jay was also advertised.

Somewhere about 1837 or 1838 I was dispatched to a town in North Wilts to report the proceedings at a dinner which was given to commemorate some Reform triumph. The clergyman of the place, who for a wonder, was an advanced Liberal, had taken a very active part in getting up the demonstration, and was of course one of the company by whom "we observed" the chairman was supported. We also observed that the rev. gentleman was evidently not a total abstainer from alcoholic fluid. By the time the dinner had been disposed of, the cloth removed, and the usual loyal and patriotic toasts duly proposed and honoured, the rev. reformer was certainly elevated. Then the chairman gave "The Bishop and Clergy of the Diocese," coupling with the toast the name of his rev. friend on his right; the professional singers who had been engaged favoured the company with the glee (singularly appropriate on this occasion) — "With a jolly full bottle;" and when silence had been restored, the representative of the Bishop and Clergy rose to return thanks. I don't intend to convey the idea that he said anything absolutely improper, but what he did say would have come with far better grace from any other lips than those of a clergyman. He was merry, but not wise reporting his post-prandial oration I endeavoured to give as much of his merriment as could well be done without impeaching his wont of wisdom. The speech as reported brought a complaint from the rev. gentleman that he had been misreported; that a quantity of folly had been put into his mouth which had never fallen from it; and that he had been considerably annoyed in consequence. The letter was duly handed to me by the editor under whom I then served, and I furnished him with a literal transcript of what the rev. gentleman had actually said, and suggested that it should be forwarded to him with the offer to publish this amended version of his speech. This was done and the rev. gentleman, I suppose, having been convinced in the meantime that he had made rather an exhibition of himself, wrote to the effect that it would seem that under the excitement of the moment he must have said many things which had better have been left unsaid, and (thanking the editor for his courtesy) he preferred to let the matter remain where it was.

I CONCLUDE these "stray leaves" by strongly advising all my young readers to acquire the art of shorthand writing, and by recommending them to adopt the beautiful system of "Phonography," invented by Mr. Isaac Pitman, of Bath, of whom I deem it an honour to have been an early pupil.

